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A large, stylized outline map of Butte County, California, serves as a background for the title. The map shows the county's irregular borders, including its northern, eastern, and southern edges. The title is centered within this map.

# BUTTE COUNTY ZONING ORDINANCE

**CHAPTER 24**  
**Butte County Code**

**PRINTED      MAY      1992**



BUTTE COUNTY  
COMPREHENSIVE ZONING ORDINANCE

Revised May 1992

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## ARTICLE II

### GENERAL ZONING REGULATIONS AND PROCEDURES

#### SECTION 24-20 NATURE AND PURPOSE OF ZONING PLAN

- (a) This chapter divides the unincorporated territory of the county into geographical districts designated as zoning districts. It establishes regulations limiting the use of land and structures, location, height and bulk of the structures, the open spaces about buildings and provides for such other measures as will accomplish the purposes of this chapter.
- (b) This chapter is adopted to promote and protect the public health, safety and general welfare for the following more particularly specified purposes:
  - (1) To assist in providing a definite plan of development for the county, and to facilitate, encourage, guide, control and regulate the future growth of the county.
  - (2) To protect the character, social and economic stability of agricultural, residential, commercial, industrial and other areas within the county; to assure the orderly and beneficial development of such areas; and more particularly, to provide adequate light and air; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewage, drainage facilities, schools, parks and other public developments; to conserve and develop natural resources; to protect the food supply; to conserve property values; to conserve energy; and to promote efficient urban design and arrangement, and to secure economy in governmental expenditures.
  - (3) To obviate the menace to the public safety resulting from the location of buildings, and uses of buildings and of land, adjacent to streets and highways which are a part of the streets and highways element of the general plan of the county, or other thoroughfares, so that existing or prospective traffic circulation on said highways will be facilitated.
- (c) It is expressly declared that all of the provisions of this chapter shall apply to all property within the unincorporated territory of Butte County whether owned by private persons, firms or corporations, or by the government of the United States of America, or any of its agencies, or by the State of California or any of its political subdivisions or agencies, or by any county including the County of Butte, town or municipal corporation or any of its or their agencies, or by any district formed under the laws of the State of California.
- (d) The board of supervisors shall have the authority to decide any question involving the interpretation or application of any provision of this chapter. Said provisions of this chapter and the applications thereof shall be held to be the minimum requirements necessary to promote the public health, safety and general welfare. Except as specifically herein provided, it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or any rule, regulation or

permit previously adopted or issued or which may be adopted or issued pursuant to law relating to the use of buildings or premises, or relating to the erection, construction, establishment, moving, alteration or enlargement of any building improvement; nor is it intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties or to annul or abrogate the public improvements emplaced and paid for by property owners pursuant to previously adopted county plans; provided, however, that in cases in which this chapter imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts, or any of them, than is imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such case the provisions of this chapter shall control.

#### **SECTION 24-21 DEFINITIONS**

Unless the context clearly requires to the contrary the definitions of terms provided in this section shall govern construction within Articles II and III of this chapter:

**24-21.001 Administrative Permit:** An administrative permit is given to projects which meet listed conditions. The planning director or designated staff person will grant such permits based on a description of the project, building and site plans, and/or a site visit.

**24-21.010 Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries and animal and poultry husbandry, and the necessary accessory uses; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. As used in this definition, "accessory use" means those supply, service, storage and processing areas and facilities for any other agricultural land. The above uses shall not include stockyards, slaughterhouses, hog farms, fertilizer works or plants for the reduction of animal matter.

**The Board of Supervisors Discussion Item 89-172:** Interpretation of whether agricultural buildings are allowed in zones that do not specify agriculture as an allowed use. It is the Board's policy that agricultural buildings are not an allowed use in the C-1, C-2, C-C, C-F, H-C, L-1, M-1, M-2, MHP, R-1 A & C, R-2, R-3, R-4, R-MB, R-N, RT-1/2, and RT-1A zones.

**24-21.020 Agriculture Employee:** An individual who verifies, by personal affidavit and by affidavit of his employer, that he is, or will be, employed at least thirty-two (32) hours per week for at least sixteen (16) weeks per year, or that his primary source of annual income is, or is anticipated to be, derived from, any of the following described occupations:

- (a) The preparation, care and treatment of farm land, pipelines or ditches, including leveling for agricultural purposes, plowing, discing and fertilizing the soil;
- (b) The sowing and planting of any agricultural or horticultural commodity;
- (c) The care of any agricultural or horticultural commodity. As used in this subdivision, "care" includes, but is not limited to, cultivation,



irrigation, weed control, thinning, heating, pruning, or tying, fumigating, spraying and dusting;

- (d) The harvesting of any agricultural or horticultural commodity including, but not limited to, picking, cutting, threshing, mowing, knocking off, field chopping, bunching, baling, balling, field packing, and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing;
- (e) The assembly and storage of any agricultural or horticultural commodity including, but not limited to, loading, roadsiding, banking, stacking, binning and piling;
- (f) The raising, feeding and management of livestock, fur-bearing animals, fish, frogs and other aquatic animals, and bees including, but not limited to, herding, housing, hatching, milking, shearing, handling eggs and extracting honey;
- (g) The operation, conservation, improvement or maintenance of such farm and its tools and equipment.

24-21.030 Alley: Any public or private thoroughfare less than forty (40) feet in width which affords only a secondary means of access to abutting property.

24-21.040 Antiques, and Antique Shop: "Antiques" means any article which, because of age, rarity or historical significance, has a monetary value greater than the original value or which has an age recognized by the United States Government as entitling the article to an import duty less than prescribed for contemporary merchandise. A store or shop selling only such articles or offering them for sale shall be considered as an antique shop or store, and not considered as a dealership handling used or secondhand merchandise.

24-21.050 Building: Any structure having a permanent foundation and a roof supported by columns, or by walls designed, intended and/or used as shelter for the enclosure of persons, animals, chattels, or for use in commercial, industrial or other enterprises.

24-21.060 Building, Accessory: A detached subordinate building, the use of which is incidental to that of the main building on the same lot or to the use of the land.

24-21.070 Building Area: The total amount of ground area occupied by all buildings and structures on a parcel of land.

24-21.080 Building, Nonconforming: A building or structure or a portion thereof lawfully existing at the time the zoning ordinance affecting the property on which said building is situate becomes effective which was designated, or structurally altered, for a use that does not conform to the use regulations of the zoning district in which it is located.

24-21.090 Building Site: A specifically defined parcel which can accommodate a building or group of buildings together with all yard and open space as required in the zoning district.

24-21.095 Camping: Occupying or maintaining for occupancy any place for temporary living, sleeping or other human occupancy purposes. "Camping"



does not include: the parking or storage of an unoccupied and otherwise unused trailer coach, recreation vehicle, or tent trailer on a privately owned parcel, as defined in Section 24-21.31; occupying a trailer coach, or recreation vehicle, connected pursuant to County permit to permanent sewage disposal and water supply systems; or occupying a trailer coach or a recreation vehicle for any accessory use allowed in the applicable zoning district.

**24-21.100 Disposal Area:** Any area, the use of which is devoted, in whole or in part, to the accumulation of garbage or junk or any combination thereof as those terms are herein defined.

**24-21.110 Dwelling Group:** On one lot, groups of more than one of such main buildings as are permitted by the regulations of the district.

**24-21.120 Dwelling, Multiple; or Multiple-Dwelling:** A building or portion thereof used and designated as a residence for two (2) or more families living independently of each other, including apartment houses, duplexes, apartment-hotels and flats, but not including automobile or trailer courts.

**24-21.130 Dwelling, Single-Family:** A building with one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating and sanitation.

**24-21.140 Family:** An individual or two (2) or more persons related by blood or marriage or a group of not more than six (6) persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.

**24-21.150 Feed Yard, Commercial Animal:** A fenced or enclosed area operated exclusively to fatten livestock for clients for a consideration, by being fed a concentrated ration.

**24-21.160 Fence:** "Fence" means a wall or a barrier connected by boards, masonry, rails, panels, wire or any other material for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls.

**24-21.170 Garbage:** "Garbage" means every accumulation of animal or vegetable or other waste matter that attends or results from the preparation, consumption, decay, dealing in, or storage of meat, fish, fowl, fruits, vegetables or other food products and shall include any food container in which there is putrescible material either solid or liquid.

**24-21.180 Hog Farm:** Any premises used exclusively for the raising or keeping of three (3) or more hogs when raised, fed or fattened for the purposes of sale and consumption by other than the owner of the site. In an agricultural zone the term "hog farm" is not intended to otherwise preclude the raising of hogs as a part of a general farming operation or as an FFA, 4-H, or other student project.

**24-21.190 Home, Boarding or Lodging, or Rest Home:** A building or portion thereof other than a hotel where meals for six (6) or more persons are provided for compensation or profit.

**24-21.195 Home Occupation:** Any of the following businesses or services conducted on the premises by occupants of residential dwellings or mobile homes:

- (a) Sale of agricultural goods produced on the premises.
- (b) Indoor display and sale of arts and crafts goods products on the premises, including pottery, jewelry, paintings, sculpture, furniture, photographs, leatherwork and similar objects.
- (c) Professional offices and services.
- (d) Offices and services conducted primarily by mail or telephone.
- (e) Domestic services, including laundry, ironing, sewing and similar uses.
- (f) Other services conducted within a residential dwelling.

**24-21.200 Hospital:** "Hospital" means an institution specializing in giving clinical, temporary and emergency, or long-term services of a medical or surgical nature to human patients, and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice.

**24-21.210 Hotel:** "Hotel" means a building in which there are six (6) or more guest rooms where lodging with or without meals is provided for compensation, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed or detained under legal restraint.

**24-21.220 House, Guest:** A detached living quarters of a permanent type of construction containing not more than five hundred (500) feet in area, which does not contain kitchen facilities and which is designed for and used to house nonpaying transients, visitors or guests of the occupants of the dwelling on the lot; and having a rear yard and side yard of not less than five (5) feet and located not less than ten (10) feet from any other accessory building and not less than eight (8) feet from any main building on the same lot.

**24-21.230 Industry:** The manufacture, fabrication, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form or character thereof.

**24-21.240 Junk:** Any worn-out and discarded material in general that may be turned to some use including, but not limited to, any old iron, wire, copper, tin, lead, rags, paper, bags, lumber, empty bottles, bones, parts of bicycles, tricycles, baby carriages, automobiles, and other vehicles, dismantled, in whole or in part, kept, stored, located, situated or piled in public view, and all other similar personal property ordinarily defined and classified as "junk" kept, stored, located, situated or piled in public view and not screened from public view by a fence.

**24-21.250 Junkyard:** "Junkyard" means the use of more than one hundred (100) square feet of the area of any lot, or the use of any portion of that half of a lot which adjoins any street or highway, for the purchase or sale of junk as herein defined.

**24-21.260 Kennel:** Any premises, except where accessory to an agricultural use, for which a license is required by Section 4-3 of this Code.



**24-21.270 Lot Area:** An area containing the minimum square footage and frontage as required by the zoning district for a dwelling unit or building.

**24-21.280 Mobile Home:** A housing structure transportable in one or more sections, designed and equipped to be used with or without a foundation system. Mobile home does not include recreational vehicle, commercial coach, factory built housing as defined in Section 19971 of the Health and Safety Code or a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S. Section 5401 et seq.), with or without a foundation system, pursuant to Section 18551 of the Health and Safety Code.

**24-21.285 Mobile Home Park:** An area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. For purposes of this section, "mobile home park" also means a mobile home development constructed according to the requirements of Paragraph 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code, and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

**24-21.286 Mobile Recycling Unit:** A mobile recycling unit means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.

**24-21.290 Motel:** "Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to, or a parking space is conveniently located to, each unit, and for the temporary use by automobile tourists or transients, and shall include tourist courts, motor courts, automobile courts, automobile camps and motor lodges. A unit of a motel having kitchen facilities shall constitute a dwelling unit and shall be subject to all of the provisions and requirements of this chapter governing dwelling units for the zoning district in which the establishment is located.

**24-21.300 Offices, Professional:** Offices maintained and used as a part of business conducted by persons engaged in one of the professions limited to medical doctors, dentists, engineers, attorneys, architects, real estate brokers, accountants, optometrists, doctors of chiropractic, insurance, stockbrokers, and licensed as such by the State of California.

**24-21.310 Parcel:** An area defined by an approved parcel map, subdivision map or otherwise lawfully created parcel containing the minimum square footage and frontage as required by the zoning district at the time the parcel was created.

**24-21.320 Park, Mobile Home, Trailer, etc.:** Any area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.



**24-21.330 Parking Space:** An accessible and usable paved or graveled space on a building site located off the street, but not occupying any part of the required front yard or in the side yard or the street side of a corner lot. Provided, however, if the lot is within a subdivision which has dedicated sixty (60) feet of street improvements to County standards, the area beyond the dedicated street area of thirty (30) feet of the fifty (50) foot setback may be considered as parking area, provided it is accessible and usable.

**24-21.340 Plant, Agricultural Processing:** Means the necessary accessory uses to agriculture to prepare grown products in their natural state for desirous marketability, such as nut hulling plants, prune dehydrators and the supply, service, storage and receiving stations of such products. The above uses shall not include stockyards, commercial feed yards, canneries, slaughterhouses, fertilizer works or plants for the reduction of animal matter.

**24-21.350 Plant, Concrete, Asphalt Batch, Sand and Gravel:** Means the necessary facilities to prepare sand, gravel, cement, asphalt and liquid asphalt into construction components, used by contractors, builders, homeowners and governmental agencies in building construction, sidewalks, curbs, gutters, bridges, streets and highways.

**24-21.354 Recreation Vehicle:** Is a motorhome, travel trailer, truck camper or camping trailer with or without motive power, designed for human habitation for recreation or emergency occupancy, which when erected on site measures eight body feet or less in width and less than 40 body feet in length and which is either self-propelled, truck-mounted or permanently towable on the highways without a permit.

**24-21.355 Recreational Vehicle Park:** Is any area or tract of land, or a separate designated section within a mobile home park, where two or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles or tents.

**24-21.357 Recyclable Material:** Recyclable material is reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

**24-21.358 Recycling Facility:** A recycling facility is a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

- (a) **Collection Facility.** A collection facility is a center for the acceptance by donation, redemption or purchase, of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in Section 24-68(c), Criteria and Standards. Collection facilities may include the following:

- (1) Reverse Vending Machines;
  - (2) Small collection facilities which occupy an area of not more than 500 square feet, and may include:
    - a. A mobile unit;
    - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
    - c. Kiosk type units which may include permanent structures;
    - d. Unattended containers placed for the donation of recyclable materials.
  - (3) Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.
- (b) **Processing Facility.** A processing facility is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:
- (1) A light processing facility occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two (2) outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers.
  - (2) A heavy processing facility is any processing facility other than a light processing facility.

**24-21.360 Refuse:** "Refuse" shall mean and include any solid or semisolid waste other than domestic sewage including, but not limited to, garbage, rubbish and trash.

**24-21.365 Reverse Vending Machine(s):** A reverse vending machine is an automatic mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and will pay by weight instead of by container.



24-21.370 Rubbish: "Rubbish" shall mean all nonputrescible solid wastes, combustible or noncombustible, including, but not limited to, paper, cardboard, yard clippings, grass, ashes, wood, bedding, crockery, glass, metal and similar materials, excepting compost boxes.

24-21.380 Secondhand Store: "Secondhand store" means any retail establishment in which the principal portion of the articles, commodities or merchandise handled, offered for sale, or sold on the premises are not new. Secondhand stores shall not be considered as including antique stores or pawnshops.

24-21.390 Service Station: A retail business establishment supplying gasoline, oil and minor accessories and services for automobiles.

24-21.400 Signs, Outdoor Advertising: A structure of any kind or character erected and maintained for outdoor advertising purposes which is not appurtenant to the property it occupies.

24-21.405 Site Development Permit: A site development permit is at a level between the Administrative Permit and conditional use permit. The decision to grant such a permit is made by the planning director after surrounding property owners are notified of the pending action and have commented on the permit. The applicant or the surrounding property owners may appeal the decision to the planning commission subject to an appeal fee set by resolution of the board of supervisors.

24-21.410 Stable, Private: "Private stable" means a detached accessory building in which horses or other beasts of burden owned by the occupants of the premises are kept.

24-21.420 Stable, Public or Riding: A stable from which horses or other beasts of burden may be boarded by the public or from which horses or other beasts of burden are available for hire to the public.

24-21.430 Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work, artificially built up or composed of parts joined together in some definite manner. Also that which is defined and regulated in Chapter 10, Sections 10-8 through 10-10.

24-21.440 Use, Public: A use operated exclusively by a public body, having the purpose of serving the public health, safety or general welfare, and including such uses as public schools, parks, playgrounds, hospitals and administrative and service facilities.

24-21.450 Use, Quasi-Public: A use operated by a private non-profit educational, religious, recreational, charitable, fraternal, or medical institution, association or organization, said use having the purpose primarily of serving the general public, and including but not limited to such uses as churches, private schools, universities, community youth and senior citizen recreational facilities, meeting halls, private hospitals and the like.

Board of Supervisors Discussion Item 84-403: Fraternities or sororities, or similar incorporated groups, fit within the definition of a public or quasi-public use.

Board of Supervisors Discussion Item 87-405: Interpretation: Pre-school child care center in an AR-MB-2-1/2 Zone: Day care facilities

for over twelve (12) children should be considered schools regardless of whether the applicant is a non-profit organization, and would be allowed in all zones having a provision for public or quasi-public uses subject to first securing a use permit.

**24-21.451 Wood Lots:** Firewood, sawing, splitting, storing for sale.

**24-21.452 Wood Processing:** The production of rough-cut lumber (as is commonly known in the timber industry), firewood and wood chips by a chipping machine.

**24-21.454 Yard, Side or Rear:** Areas which extend a specified distance from side or rear lot lines and which are not to be occupied by buildings, accessory buildings, fireplaces, or other structures or equipment extending more than twelve (12) inches above ground level. This definition shall not apply to public utility facilities.

**24-21.460 Zone:** An area accurately defined as to boundaries and location and as set forth on that certain map entitled "Butte County Zoning District Map."

#### SECTION 24-22 ESTABLISHMENT OF ZONED DISTRICTS

The zoning districts within the unincorporated areas of the county are hereby established and are designated as follows:

A-2 Ltd.	(Limited General)
A-5	(Agricultural, 5-acre parcels)
A-10	(Agricultural, 10-acre parcels)
A-15	(Agricultural, 15-acre parcels)
A-20	(Agricultural, 20-acre parcels)
A-40	(Agricultural, 40-acre parcels)
A-160	(Agricultural, 160-acre parcels)
A-R	(Agricultural-Residential)
AR-1/2	(Agricultural-Residential, 1/2-acre parcels)
AR-1	(Agricultural-Residential, 1-acre parcels)
AR-2-1/2	(Agricultural-Residential, 2-1/2-acre parcels)
AR-5	(Agricultural-Residential, 5-acre parcels)
AR-10	(Agricultural-Residential, 10-acre parcels)
AR-MH	(Agricultural-Residential, Mobile Home)
AR-MH-1	(Agricultural-Residential, Mobile Home, 1-acre parcels)
AR-MH-2-1/2	(Agricultural-Residential, Mobile Home, 2-1/2-acre parcels)
AR-MH-3	(Agricultural-Residential, Mobile Home, 3-acre parcels)
AR-MH-5	(Agricultural-Residential, Mobile Home, 5-acre parcels)
A-SR	(Agricultural - Suburban Residential)
C-1	(Light Commercial)
C-2	(General Commercial)
C-C	(Community Commercial)
C-F	(Commercial Forestry)
FR-1	(Foothill Recreational, 1-acre parcels)
FR-2	(Foothill Recreational, 2-acre parcels)
FR-3	(Foothill Recreational, 3-acre parcels)
FR-5	(Foothill Recreational, 5-acre parcels)
FR-10	(Foothill Recreational, 10-acre parcels)
FR-20	(Foothill Recreational, 20-acre parcels)
FR-40	(Foothill Recreational, 40-acre parcels)
FR-160	(Foothill Recreational, 160-acre parcels)



H-C	(Highway Commercial)
L-I	(Limited Industrial)
M-1	(Light Industrial)
M-2	(Heavy Industrial)
MHP	(Mobile Home Park)
M-R	(Mountain or Recreational Subdivision - Residential)
N-C	(Neighborhood Commercial)
PUD	(Planned Unit Development)
P-Q	(Public, Quasi-Public)
R-1	(Residential)
R-2	(Residential)
R-3	(Residential)
R-4	(Residential)
R-1 A&C	(Minimum Density Residential Arts & Crafts)
R-C	(Resource Conservation)
R-MH	(Residential-Mobile Home)
R-N	(Residential-Nonconforming)
R-P	(Residential-Professional)
RT-1/2	(Medium Density Residential Mobile Home)
RT-1-A	(Minimum Density Residential Trailer)
S-H	(Scenic Highway)
S-R	(Suburban Residential)
SR-1/2	(Suburban Residential, 1/2-acre parcels)
SR-1	(Suburban Residential, 1-acre parcels)
SR-3	(Suburban Residential, 3-acre parcels)
SR-5	(Suburban Residential, 5-acre parcels)
TM-1	(Timber Mountain, 1-acre parcels)
TM-2	(Timber Mountain, 2-acre parcels)
TM-2-1/2	(Timber Mountain, 2-1/2-acre parcels)
TM-3	(Timber Mountain, 3-acre parcels)
TM-5	(Timber Mountain, 5-acre parcels)
TM-10	(Timber Mountain, 10-acre parcels)
TM-20	(Timber Mountain, 20-acre parcels)
TM-40	(Timber Mountain, 40-acre parcels)
TM-160	(Timber Mountain, 160-acre parcels)
TPZ-160	(Timber Preserve, 160-acre parcels)
U	(Unclassified)
WP	(Watershed Protection)

#### SECTION 24-23 ADOPTION OF ZONING DISTRICT MAP

That certain map entitled "Butte County Zoning District Map" subscribed by the planning director, on file in the planning department, is hereby adopted as the zoning plan of Butte County and made a part of this chapter.

#### SECTION 24-23.80 PROCEDURE FOR GENERAL PLAN AMENDMENTS

- (a) Existing and proposed zoning districts are to be consistent with the General Plan of the county. If an amendment to the General Plan is required as part of a proposed rezone, such amendment must be requested by either:
- (1) The planning commission;
  - (2) The board of supervisors; or
  - (3) By a petition filed with the planning director, signed by owners, and accompanied by the fee set by resolution of the Board of

Supervisors, no part of which shall be refundable to the applicant.

- (b) The procedure for amendments to the General Plan shall be the same as for precise zoning amendments. Such amendments shall occur no more frequently than four (4) times during any calendar year pursuant to Section 65361 of the Government Code.

#### **SECTION 24-24 ZONING DISTRICT BOUNDARIES**

The boundaries of each zoning district as referred to in this chapter are delineated on the zoning district map by heavy lines. Within each district so delineated appear symbols consisting of letters and numbers. Such symbols have the meaning and are given the effect provided in section 24-22 of this chapter and Code.

#### **SECTION 24-25 ZONING DISTRICT BOUNDARY DISPUTES**

Should a dispute arise or ambiguity appear as to the exact location of the boundary line of any zoning district, the following rules shall be applied in determining the exact location of such lines:

- (a) Where such boundaries are indicated as approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.
- (b) Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (c) With respect to property that is not subdivided, and where a zoning district bisects a lot, the location of any such boundary, unless the same is indicated by dimensions shown upon the zoning district map shall be determined by the use of the scale appearing on the zoning district map.
- (d) If any further uncertainty shall exist, the board of supervisors upon written application or upon its own motion, shall determine the location of such boundaries.

#### **SECTION 24-26 PROCEDURE FOR PRECISE ZONING AMENDMENTS**

- (a) This chapter, except for the Timber Preserve Zoning District, may be amended to establish detailed zoning districts or to change district boundaries only if an amendment is requested by either:
  - (1) The planning commission;
  - (2) The board of supervisors; or
  - (3) By a petition filed with the planning director, signed by owners representing sixty percent (60%) or more of the area to be re-zoned, and accompanied by the fee set by resolution of the board of supervisors, no part of which shall be returnable to the applicant. Any such petition may be withdrawn upon the written application of a majority of all the persons who signed such



petition at any time prior to the hearing on the proposed amendment before the board of supervisors.

- (b) The procedure to establish or amend the Timber Preserve Zoning District shall be as established by resolution by the board of supervisors of the County of Butte.

#### SECTION 24-27 PUBLIC HEARING

- (a) The planning commission shall hold a public hearing on any such proposed amendment. Notice of the time, date and place of said hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least ten (10) calendar days before the hearing in the following manner:
  - (1) Notice shall be published at least once in a newspaper of general circulation, published and circulated in the county;
  - (2) In addition, notice of the hearing shall be given by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred (300) feet of the property which is the subject of the proposed zoning change.
  - (3) In addition to the requirements of subdivisions (1) and (2) above, in the event of any planning commission initiated amendment, the planning commission shall give mailed notice to the owner of the property which is the subject of the proposed zoning change as that owner appears on the latest equalized assessment roll.
  - (4) In the event that the number of persons to whom notice would be sent pursuant to subdivision (2) hereof is greater than one thousand (1,000), the planning commission may, as an alternative to the notice required by subdivision (2), provide notice pursuant to this subdivision. Such notice shall be given at least ten (10) days prior to the hearing by either of the following procedures:
    - a. By placing a display advertisement of at least one-fourth page in the newspaper having the greatest circulation within the area affected by the proposed ordinance or amendment and in at least one additional newspaper having general circulation within such area, if such additional newspaper is available; or
    - b. By placing an insert with any generalized mailing sent by the county to property owners in the area affected by the proposed ordinance or amendment, such as billings for county services.
- (b) Any evidence to be received by the planning commission at the public hearing, other than oral testimony, unless rejected by the planning commission when offered, shall be surrendered to the clerk of the commission and become the property of the County of Butte. The planning director shall be the custodian of the record of the planning commission and shall keep, for at least twelve (12) months following this presentation to the commission, all evidence received by the

commission at a public hearing. At any time after twelve (12) months following its presentation the planning director may dispose of any such evidence in any manner he shall deem proper. The planning director may, upon the expiration of twelve (12) months following a public hearing, release any evidence to the person or persons who presented that evidence at the public hearing so long as such person or persons shall make a request in writing to the planning director not more than sixty (60) days nor less than thirty (30) days prior to the expiration of the twelve (12) month period.

Notwithstanding the provisions of paragraph (b) above the planning director shall forward to the clerk of the board of supervisors all evidence received pursuant to paragraph (b) above when the matter heard by the planning commission results in a recommendation to the board of supervisors from the action of the planning commission. Upon receipt by the clerk of the board of supervisors of the evidence forwarded pursuant to this section the clerk of the board of supervisors shall become the custodian thereof and the twelve (12) month period pursuant to paragraph (b) above shall commence after final action by the board of supervisors.

#### **SECTION 24-28 ACTION OF THE PLANNING COMMISSION**

Following the aforesaid hearing, the planning commission shall render its decision in the form of a written recommendation to the board of supervisors. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed amendment to the Butte County general plan and any specific plans. If the recommendation is to change property from one zone to another, the planning commission may recommend that conditions be imposed so as not to create problems inimical to the public health, safety and general welfare of the residents of Butte County. The recommendation shall be transmitted to the board of supervisors within ninety (90) days after the date the hearing was closed to the public.

#### **SECTION 24-28.1 ORDINANCE PUBLISHING FEE**

Prior to the board of supervisors setting a public hearing, an estimated publishing fee, as provided for by resolution of the board of supervisors, shall be deposited with the clerk of the board.

#### **SECTION 24-29 ACTION BY THE BOARD OF SUPERVISORS**

Upon receipt of any such recommendation from the planning commission which recommends that the proposed amendment be approved, the board of supervisors shall set the matter for public hearing and shall give notice of the time,

date and place of said hearing at least ten (10) days prior to the hearing in the same manner as provided for the giving of notice of the hearing by the planning commission as specified by section 24-27.

In any case in which the recommendation of the planning commission is to deny the proposed amendment, the board of supervisors shall not be required to take any further action thereon unless an interested party shall request such an appeal hearing by filing a written request therefor together with



the fee set by resolution of the board of supervisors with the clerk of the board not later than 5:00 p.m. on the fifth day following the date the planning commission files its recommendation with the board; provided, however, that if said fifth day falls on a legal holiday, the request for hearing may be filed by 5:00 p.m. on the next day on which the office of the clerk is open for business. Upon receipt of such a request for hearing, the clerk shall immediately forward a copy of said request to the planning commission.

The board of supervisors shall take action upon the proposed amendment within ninety (90) days from the date of receipt of the planning commission's initial recommendation. If no action is taken within said ninety (90) days, the proposed amendment shall be deemed denied.

The board of supervisors may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed amendment by the board shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the modification is referred to it, shall be deemed to be approval of the proposed modification by the planning commission. The board of supervisors may impose conditions to the zoning reclassification of the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the County of Butte. If conditions are imposed to a zoning reclassification, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification of the property.

Said conditions shall be as set forth in an agreement entered into by the applicant and the county.

Said conditions may be removed only by the board of supervisors after recommendation by the planning commission.

#### **SECTION 24-29.1 COMMENTS AT PUBLIC HEARING**

Each party appearing before the board of supervisors at the public hearing referred to in section 24-29 is encouraged to submit written comments before the public hearing as well as at the public hearing itself. Oral comments shall be limited to five (5) minutes per person, unless such time is extended by consent of the chairman of the board of supervisors.

#### **SECTION 24-30 INTERIM ZONING**

- (a) Without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, the board of supervisors, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the board of supervisors, planning commission or the planning department is considering or studying or intends to study within a reasonable time. Such urgency measures shall require a four-fifths (4/5) vote of the board of supervisors for adoption. Such interim ordinance shall be of no further force and effect forty-five (45) days from its date of adoption; provided, however, that after notice pursuant to section 24-27 and

public hearing, the board of supervisors may extend such interim ordinance for 10 months and 15 days and subsequently extend such interim ordinance for one year. Any such extension shall also require a four-fifths (4/5) vote for adoption. Not more than two such extensions may be adopted.

- (b) Alternately, an interim ordinance may be adopted by a four-fifths (4/5) vote following notice pursuant to section 24-27 and public hearing, in which case it shall be of no further force and effect forty-five (45) days from its date of adoption, provided, however, that after notice pursuant to section 24-27 and public hearing, the board of supervisors may by a four-fifths (4/5) vote extend such interim ordinance for 22 months and 15 days.
- (c) The Board of Supervisors shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety, or welfare, that the approval of additional subdivisions, rezonings, land use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with the zoning ordinance would result in a threat to public health, safety, or welfare.
- (d) Ten (10) days prior to the expiration of an interim ordinance or any extension, the Board of Supervisors shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.
- (e) When any such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first such ordinance or any extension thereof as herein provided.

#### **SECTION 24-31 ALIQUOT PARTS**

Each parcel or lot within the county shall have a minimum acreage as indicated by the zoning district acreage designation. However, for the purpose of complying with the minimum lot area requirements, sections of land containing less than six hundred forty (640) acres shall be deemed to be equivalent to six hundred forty (640) acres. Parcels resulting from the division of sections with less than six hundred forty (640) acres into units of 1/4, 1/16, 1/32, 1/64, or 1/128 of said sections shall also be deemed to be equivalent to the corresponding and respective lot areas required by the acreage designations (160, 40, 20, 10, or 5) of the pertinent zoning district. The applicant shall provide adequate proof that the section in question is irregular.

#### **SECTION 24-32 RESERVED**

#### **SECTION 24-33 SITE REQUIREMENTS**

There are established certain minimum standards applicable to building sites throughout the county regardless of zone. Such standards may be reduced or increased by the regulations of a particular zone by explicit regulation in the section of Article III containing regulations for that zone:



- (a) Lot area or building site: Minimum required area of a lot per dwelling unit shall be no less than eight thousand one hundred twenty-five (8,125) square feet excepting where public sewage disposal service is provided, a minimum of six thousand five hundred (6,500) square feet may be allowed for inside lots with a minimum of seven thousand five hundred (7,500) square feet for corner lots.
- (b) Lot width: Minimum lot width shall not be less than sixty-five (65) feet.
- (c) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road, except where the road is classified by the county as a Federal Aid Secondary Road the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
- (d) Side and rear yards: Minimum side and rear yard shall not be less than five (5) feet.

Board of Supervisors Discussion Item 83-445: Interpretation: A duplex is considered to be two dwelling units, regardless of whether they are structurally tied.

#### SECTION 24-34 SITE REQUIREMENTS FOR SPLIT-DUPLEX LOTS

In those zoning districts in which section 24-33 is applicable, a two-family dwelling may be erected over a lot line so that each dwelling unit is located on a separate lot. Each lot occupied by one (1) dwelling unit of a duplex split by a lot line shall be required to meet the following minimum standards:

- (a) Lot area. Lot area shall not be less than four thousand (4,000) square feet for interior lots and five thousand (5,000) square feet for corner lots.
- (b) Lot width. Lot width shall not be less than forty (40) feet for interior lots and fifty (50) feet for corner lots.
- (c) Side yards. Side yards shall not be less than five (5) feet except along the lot line splitting the duplex.
- (d) Front and rear yards. Front and rear yards shall meet the requirements of section 24-33.

#### SECTION 25-35 OFF-STREET PARKING

##### I. Development Standards

- (a) Surfacing: Minimum requirement, dust palliative treatment.
- (b) Road Access and Drainage: Road access and drainage for all parking facilities shall be per requirements of the department of public works.
- (c) Lighting: Any lighting used to illuminate off-street parking areas shall be directed and maintained so as not to interfere with persons using any public street or improvement or to unnecessarily interfere with the use and enjoyment of property of any person.

- (d) Signs: Directional signs are permitted on parking areas.
- (e) Screening and Landscaping: All open automobile parking areas that contain more than four (4) parking spaces and which abut upon a public street right-of-way shall provide landscaping to a depth of at least ten (10) feet of said street right-of-way with openings for walkway or drive purposes in accordance with county standards. An additional five (5) percent of the gross lot area shall be devoted to landscaping. Each planter area shall be surrounded with a six-inch raised concrete curbing or equivalent. An irrigation system shall be installed in each separate planter area.
- (f) Fencing: A solid fence at least six (6) feet in height shall be required on all common property lines when any parking facility is established abutting residentially zoned property.
- (g) Walkway: A walkway, if provided adjacent to a building and parking stalls, shall be at least four (4) feet in width.
- (h) Repair and Service: No commercial motor vehicle repair work of any kind shall be permitted within any required off-street parking area. The sale of gasoline, motor oil or any other merchandise is also prohibited within any required off-street parking area.
- (i) Location of Accessory Off-Street Parking Facilities: The location of off-street parking and garage spaces shall be located on the same lot or parcel as the use served except as otherwise provided in this ordinance.
- (j) Existing Parking and Loading Facilities: Accessory off-street parking and loading facilities which are located on the same lot or parcel as the building or use served and which were in existence on the effective date of this ordinance, or were provided voluntarily after such effective date, shall not hereafter be reduced below or if already less than shall not further be reduced below the requirements of this ordinance for a similar new building or use.
- (k) Parking Assessment District: Off-street parking facilities may be provided collectively for all buildings, structures or uses located within a parking assessment district. The parking requirements of this ordinance for properties within a parking assessment district may be waived by the planning commission.
- (l) Computation: When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one (1) parking space. Each space shall be individually accessible.
- (m) Permissive Parking and Loading Facilities: Nothing in this ordinance shall prevent the voluntary establishment of off-street parking or loading facilities in excess of the requirements of this ordinance to serve any existing use of land or buildings, provided that all regulations herein governing the location, size and access design, improvement and operation of such facilities are adhered to.
- (n) Use of Parking and Garage Facilities: Off-street parking and garage facilities servicing a residential use and developed in any residential



district in accordance with the requirements of this section shall be used for the storage of vehicles owned by occupants of the dwelling structure to which the facilities are accessory or by guests of such occupants. Under no circumstances shall be required parking and garage facilities servicing a residential structure be used for storage of vehicles or for the parking of automobiles belonging to employees, customers of business or manufacturing establishments.

- (o) Mixed Uses: When two (2) or more uses are located on the same zoning plot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use as required by the subject zoning district shall be required. No parking space or portion thereof shall serve as required space for more than one (1) use.
- (p) Handicapped Persons Parking: Off-street parking for handicapped persons shall be provided in accordance with the recommendations of the office of state architecture regulations as follows:

	<u>Number of Parking Spaces Provided</u>
1 parking space for handicapped persons (so delineated) plus 1 for every additional 40 parking spaces or fraction thereof . . . . .	0-100
4 parking spaces for handicapped persons so identified plus 1 for every additional 80 parking spaces or fraction thereof . . . . .	101-200
5 parking spaces for handicapped persons plus 1 for each 100 additional parking spaces or fraction thereof . . . .	201-500
7 parking spaces for handicapped persons plus 1 for every 200 additional parking spaces or fraction thereof . . . .	Over 500

- (q) Other Uses: For uses not specifically listed in this article, parking spaces shall be provided on the same basis as required for the most similar listed use, as determined by the planning director.

In the event that public transportation, park-and-ride lots or van-pooling is available, off-street parking requirements may be modified to lesser standards if approved by the planning director, the planning director's determination to be appealable within ten (10) days to the planning commission.

## II. Parking Regulations

### (a) Off-Street Parking

- (1) Purpose: To alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading of motor vehicles, in accordance with the use to which property is put.
- (2) Scope of Regulations: The off-street parking and loading provisions of this section shall apply as follows:

- a. When the intensity of use by any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
  - b. Whenever the existing use of a building or structure shall hereinafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to parking and loading provisions of this ordinance.
  - c. For all buildings and structures erected and all uses of land established after the effective date of this ordinance, parking and loading facilities shall be provided as required by this article.
- (b) Required Off-Street Parking: Off-street parking shall be provided as required in the following schedule (for required residential parking refer to residential articles):

Agricultural uses, labor camps: Same as multifamily.

Amusement or recreational enterprises (not specifically referred to in this schedule: As specified in use permit approval but in no case less than one (1) space per two hundred (200) square feet of gross floor area.

Auditoriums of a school, church, college or institution: One (1) parking space for each six (6) individual seats or equivalent or one (1) space per fifty (50) square feet of usable seating area, whichever is greater.

Auto accessory sales and service: One (1) space for each two hundred (200) square feet of gross floor area.

Auto laundry: Reservoir parking spaces equal to five (5) times the capacity of the laundry shall be provided plus one (1) space for each two (2) employees.

Auto repair and service: One (1) space for each four hundred (400) square feet of gross floor area, but in no case less than six (6) spaces.

Automobile, boat, mobile home, trailer sales or rental: One (1) space for each four hundred (400) square feet of gross floor area plus one (1) reserved space for each two (2) employees, but in no case less than six (6) spaces.

Automobile service stations: Eight (8) parking spaces for each station.



Bowling alleys: Five (5) spaces for each alley plus additional spaces as may be required herein for accessory uses such as restaurants, bars, and the like.

Cemeteries, mausoleums: As specified in use permit approval.

Churches: One (1) space for each six (6) individual seats or equivalent in the auditorium or church or one (1) space per fifty (50) square feet of usable seating area, whichever is greater, plus one (1) space for each classroom or office.

For convents, parish houses and the like, one (1) space for each automobile owned and/or operated by the church.

For administration offices accessory to the church operation, one (1) space for each office.

Convalescent homes, rest homes, nursing homes, sanitariums, etc.: One (1) space for every four (4) beds plus one (1) space for each two (2) employees (other than the staff doctors) plus one (1) space for each doctor assigned to the staff, but in no case less than one (1) space per seven hundred fifty (750) square feet of gross floor area.

Drive-in theatres: As specified in use permit approval.

Financial and general business offices, banks and real estate: One (1) space for each three hundred (300) square feet of gross floor area.

Fraternity houses, sorority houses, dormitories, boarding houses: One (1) space for each two (2) guests but in no case less than one (1) space per sleeping room.

Boarding houses: One (1) space per guest room.

Fraternities, sororities and dormitories devoted to housing students: To be determined by the planning department based on the circumstances of each case; however, in no case shall there be less than one and one-half (1-1/2) spaces per each one hundred (100) square feet of sleeping area. Where the total required area includes a fraction, the next highest whole unit shall be provided.

Furniture and major appliance stores or furniture repair shops: One (1) space for each four hundred (400) square feet of gross floor area.

Golf driving ranges: One (1) space for each tee plus one (1) space for each employee.

Hospitals: One (1) parking space for each two (2) beds plus one (1) space for each two (2) employees (other than staff doctors) plus one (1) space for each doctor, but in no case less than one (1) space per one thousand (1,000) square feet of gross floor area.

Hospitals and other similar uses involving overnight care or treatment: One (1) space per each three (3) beds set aside for care or treatment.

Hotels and motels: Two (2) spaces for each lodging unit or dwelling unit with additional parking available; one (1) space per two (2) units located on site.

Motels: One (1) space per sleeping unit or dwelling unit.

Hotels: One (1) space per bedroom.

One (1) parking space for each three (3) employees or one (1) parking space for each two thousand (2,000) square feet of gross floor space, whichever is greater.

If permitted, professional office residences and commercial uses shall provide parking for the specific use as required in this section.

Lodges and clubs: One (1) space for each one hundred (100) square feet of gross floor space.

Medical and dental offices: Five (5) spaces for each doctor or dentist but in no case less than one (1) space for each three hundred (300) square feet of gross floor area.

Medical laboratories: One (1) space for each three hundred (300) square feet of gross floor area.

Mortuaries, funeral homes: One (1) space for each five (5) individual seats or equivalent in a chapel or public assembly room or one (1) space per forty (40) square feet of usable seating area, whichever is greater, plus one (1) space for each funeral vehicle.

Museums, art galleries: One (1) parking space for each one hundred (100) square feet of public display area (not including storage, work rooms and the like) for the first twenty-five hundred (2500) square feet, with a minimum of fifteen (15) parking spaces required; then one (1) parking space for each additional two hundred (200) square feet of display area from five thousand (5,000) square feet to and including ten thousand (10,000) square feet; then one (1) parking space for each additional five hundred (500) square feet of display area over ten thousand (10,000) square feet.

One (1) truck loading dock shall be provided for buildings with a gross floor area of five thousand (5,000) square feet or more.

#### Example of Parking Requirements

<u>Square Feet</u>	<u>Minimum Spaces</u>
1,500 or less . . . . .	15
2,500 . . . . .	25
5,000 . . . . .	41
10,000 . . . . .	66

Nurseries, pre-schools: One (1) space per classroom or office but in no case less than three (3) spaces.



Offices: Business, professional, financial, banks, real estate: One (1) space for each three hundred (300) square feet of gross floor area.

Passenger terminals: One (1) space per each gross one hundred (100) square feet of waiting room area.

Public utility and public service uses and public utility service yards: One (1) space for each three (3) employees on the maximum shift plus one (1) space for each vehicle permanently assigned to the facility.

Research laboratories: One (1) space for each seven hundred fifty (750) square feet of gross floor area occupied exclusively by laboratory equipment, plus one (1) space for each three hundred (300) square feet of gross floor area on the balance of the building.

### Residential

Single-family dwellings: Two (2) spaces per dwelling.

Multiple-family dwellings: Two (2) spaces per dwelling unit.

Restaurants, bars and taverns: One (1) space for each three (3) seats but in no case less than one (1) space per two hundred (200) square feet of gross floor space.

Retail stores, shops and services: One (1) space for each two hundred (200) square feet of gross floor area.

Schools: Business, professional and trade schools: One (1) parking space for each classroom or office plus one (1) space for each five (5) students attending classes on the premises at any time during any twenty-four-hour period, but in no case less than one (1) space for each two hundred (200) square feet of gross floor area.

Schools: High schools, colleges and universities: One (1) parking space for each classroom or office plus one (1) space for each ten (10) students attending classes on the premises at any time during any twenty-four-hour period.

High schools: One (1) space for each twenty (20) students and one (1) space for each faculty member.

Junior colleges, colleges and universities: One (1) space for each ten (10) students and one (1) space for each faculty member and employee.

Schools: Nursery, elementary and intermediate (public or private): One (1) parking space for each classroom or office but in no case less than three (3) spaces.

Elementary and junior high schools: One (1) space for each employee and each faculty member.

Stadiums, arenas, auditoriums (other than church, college or institutional auditoriums), convention halls, dance halls, exhibition halls, skating rinks and other similar places of assembly: One (1) parking space for each four (4) seats or one (1) space per thirty-two (32) square feet of usable seating area, whichever is greater.

Theaters: One (1) parking space for each four (4) seats or one (1) space per thirty-two (32) square feet of usable seating area, whichever is greater.

Warehousing and wholesaling establishments in industrial zones only:  
One (1) space for each three (3) employees on the maximum shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is greater.

(c) Size and Access:

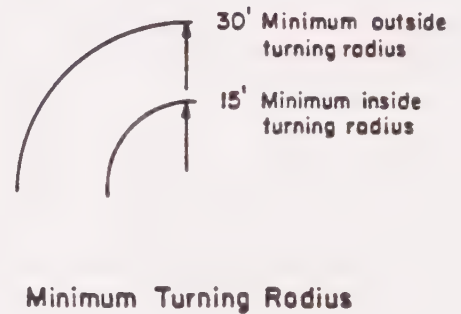
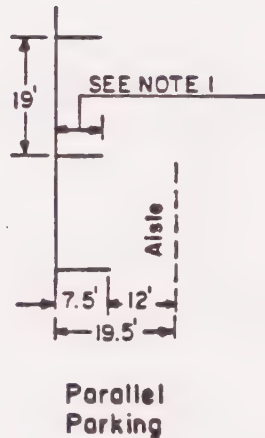
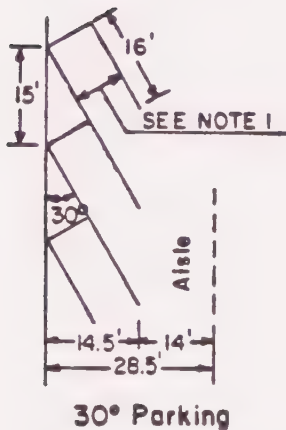
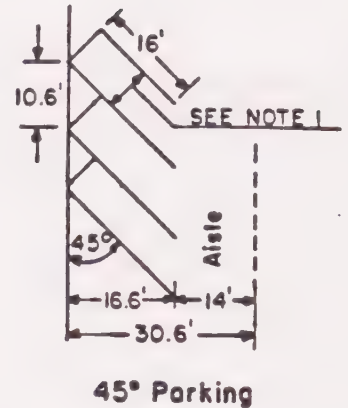
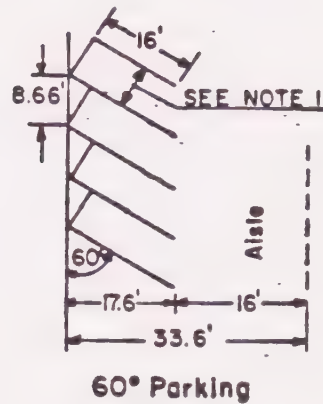
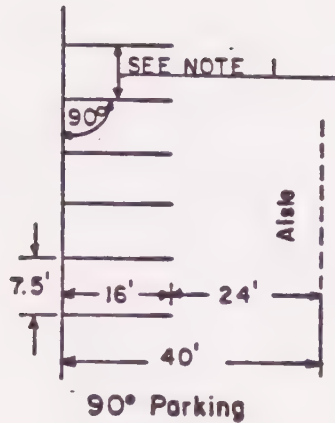
Compact Car Parking:

For parking lots containing eleven (11) or more parking spaces forty (40%) percent may be compact spaces.

All off-street parking facilities shall be designed and laid out in accordance with the following minimum requirements:



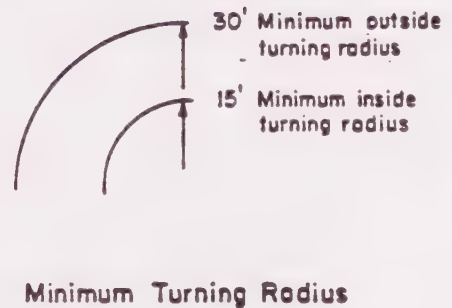
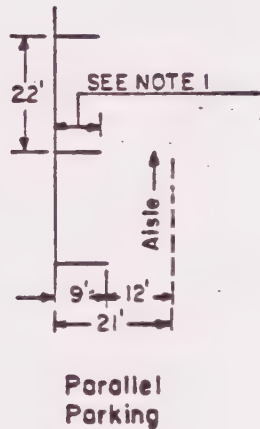
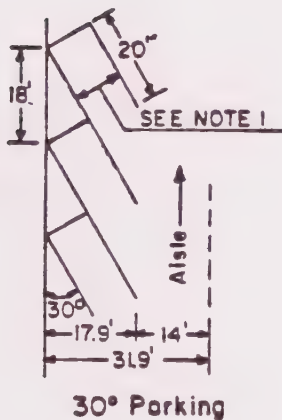
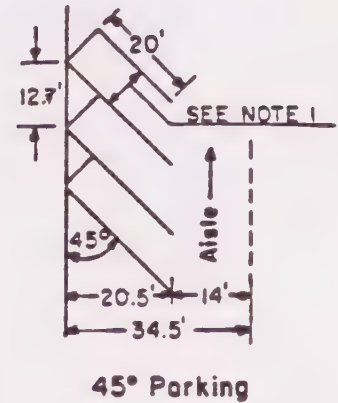
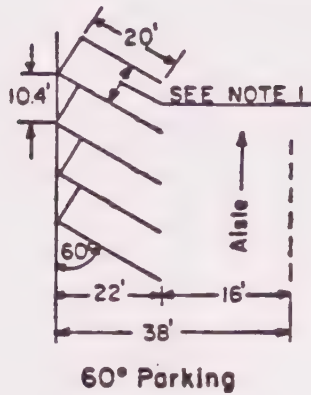
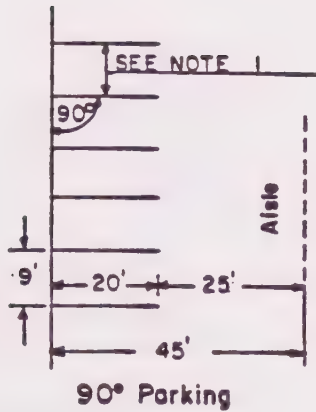
## COMPACT VEHICLE PARKING



### Notes:

- (1) Compact spaces shall be seven-one half (7-1/2) feet by sixteen (16) feet except when located alongside a structure, pole, post, wall or fence, in which case of 9.0 foot width is required.
- (2) Compact car spaces shall be grouped together in logical blocks, equally distributed throughout a parking lot, and shall be clearly marked "Compact Cars Only".
- (3) The arrangement of standard and compact spaces shall be approved by the Planning Director.
- (4) Any aisle that provides primary access to a building shall be a minimum sixteen (16) feet wide.

## STANDARD VEHICLE PARKING



### Notes:

- (1) Minimum 9.0 foot width required except when located alongside a structure, pole, post, wall or fence, in which case a minimum ten (10) foot width is required.
- (2) Locations of required parking spaces, garage spaces, garages and carports, are also governed by yard and other regulations of this section.
- (3) Any aisle that provides primary access to a building shall be a minimum sixteen (16) feet wide.



## **SECTION 24-35.1 ANIMAL MAINTENANCE; PURPOSE AND INTENT**

It is the intent of the following animal maintenance regulations (Section 24-35.2 through 24-35.3, inclusive) to allow persons to keep and maintain livestock at their private residences in a manner which will be consistent with the provisions of Article IV, Section 4-21 of this Code (Animals at Large Prohibited) and which will protect the health, safety, and welfare of nearby residents. If any person within the County maintains an animal in violation of these regulations, he or she shall be subject to nuisance abatement procedures and/or zoning violation procedures of the County of Butte.

## **SECTION 24-35.2 ANIMAL MAINTENANCE REQUIREMENTS**

### **(A) Area Requirements.**

On all parcels of property which are five (5) acres or larger and are within zoning districts that allow livestock there shall be no area requirements for animals. However, on all parcels of property which are less than five (5) acres in size and are within zoning districts that allow livestock, the following area, allotted exclusively to each type of animal, shall be required for each animal kept on the premises:

#### **(1) Equine, Bovine and Swine Area Requirements.**

For each equine, bovine or swine over one (1) year of age, ten thousand (10,000) square feet; provided, however, that if there is a residential use established on the parcel, eight thousand one hundred twenty five (8125) square feet shall be required for such residential use and ten thousand (10,000) additional square feet shall be required for each such animal.

#### **(2) Sheep and Goat Area Requirements.**

For each sheep or goat over one (1) year of age, three thousand (3,000) square feet; provided, however, that if there is a residential use established on the parcel, eight thousand one hundred twenty-five (8125) square feet shall be required for such residential use and three thousand (3,000) additional square feet shall be required for each such animal.

#### **(3) Area Requirements for Each Animal**

The square foot requirements of subsections (1) and (2) above are for each animals. When two or more animals are located on the same parcel, the sum of the required square footage per animal shall be required.

#### **(4) Exotic Animal Requirements.**

Exotic Animals, including, but not limited to, llamas and camels, shall be regulated under Subsection (1) above.

#### **(5) Educational Project Exemption.**

Temporary educational projects, including, but not limited to FFA, 4-H and school projects, conducted by students through the 12th grade and under the direct supervision of a qualified, responsible adult advisor or instructor, shall be exempt from the requirements of subsections (1), (2), (3), and (4) above. However, no more than a total of four (4) equine, bovine, swine,

sheep, goats, and exotic animals over one year of age shall be kept pursuant to this subsection (5).

(B) Use Permits Required for More Intense or Commercial Uses.

On all parcels of property within Zoning Districts that allow livestock and are less than five (5) acres, a conditional use permit shall be required for:

- (1) The keeping of such animals (horses, cattle, swine sheep, and goats) at greater densities than allowed pursuant to subsections (1) and (2) above.
- (2) The keeping of such animals, poultry and rabbits, for the purpose of sale of said animals or their products on a continuing basis.
- (3) Feed yards and hog farms.
- (4) Boarding or riding stables.

**SECTION 24-35.3 HEALTH AND SAFETY**

Animals shall be kept in a clean and sanitary condition and in a manner that does not become a public nuisance. Upon witnessing any violation of this Section, Butte County Code Enforcement Officers shall coordinate with the appropriate responsible agency.

**SECTION 24-36 ADULT ENTERTAINMENT**

It is the intention of the Board of Supervisors of the County of Butte in the adoption of sections 24-36 through 24-36.4 to rely upon the opinion of the United States Supreme Court in the case of Young vs. American Mini Theaters, 427 U.S. 50 (1976), upholding the application of zoning laws to the locations of "adult entertainment businesses" as that term is defined therein, to promote the County of Butte's great interest in protecting and preserving the quality of its neighborhoods, commercial districts and the quality of urban life through effective land use planning. Nothing herein is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city or county ordinance or statute of the State of California regarding public nuisances, sexual conduct, lewdness, assignation, prostitution or obscene or harmful matter; nor shall the use of such language be interpreted to legalize the types of businesses which, from time immemorial, have been regarded as per se moral public nuisances. The board of supervisors finds that adult entertainment businesses, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these businesses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent the concentration or clustering of these businesses in any one area.

Concerning the subject to regulation of adult entertainment land uses, the following findings are made:

- (a) Areas within close walking distance of single- and multiple-family dwellings should be free of adult entertainment land uses.



- (b) Areas where normally children could be expected to walk, patronize or recreate should be free of adult entertainment land uses.
- (c) Adult entertainment land uses should be located in areas of the county which are not in close proximity to residential uses, churches, parks and other public facilities, and schools.
- (d) Many parents have chosen the County of Butte in which to raise their families because of the lack of pornographic entertainment outlets with its influence upon children external to the home.
- (e) Location of adult entertainment land uses on the main commercial thoroughfares of the county gives an impression of legitimacy to, and causes a loss of sensitivity to the adverse effect of, pornography upon children, established family relations, respect for marital relationships and for the sanctity of marriage relations of others, and the concept of nonaggressive consensual sexual relations.
- (f) Location of adult entertainment land uses within neighborhoods and commercial areas of the County of Butte is disrupting to youth programs such as Boy Scouts, Cub Scouts and Campfire Girls.
- (g) Location of adult entertainment land uses in close proximity to residential uses, churches, parks and other public facilities, and schools will cause a degradation of the community standards of morality. Pornographic material has a degrading effect upon the relationship between spouses.
- (h) Location of adult entertainment land uses in areas of the county which are in close proximity to schools, and commercial areas patronized by students and young people, will have a detrimental effect upon the quality of education which the school district is providing for its students.
- (i) There is a strong likelihood that residents of the County of Butte and persons who are nonresidents but use the County of Butte for shopping and other commercial needs may move from the community or shop elsewhere if adult entertainment land uses are allowed to locate in close proximity to residential uses, churches, parks and other public facilities, and schools.
- (j) Location of adult entertainment land uses in proximity to residential uses, churches, parks and other public facilities, and schools may lead to increased levels of criminal activities, including prostitution, rape, incest and assaults in the vicinity of such adult entertainment land uses.
- (k) There is a strong likelihood that location of adult entertainment land uses in close proximity to residential uses, churches, parks and other public facilities, and schools will reduce retail trade to commercial uses in the vicinity, thus reducing property values and tax revenues to the county. Such adverse effect on property values will cause the loss of some commercial establishments followed by a blighting effect upon the commercial districts within the county, leading to further deterioration of the commercial quality of the county.
- (l) Experience in numerous areas, including Seattle and Tacoma, Washington, and Detroit, Michigan, has shown that location of adult entertainment

land uses degrades the quality of the areas in which they are located and causes a blighting effect. The skid row effect, which is evident in certain parts of Seattle and other cities, could have a similar effect upon the County of Butte.

- (m) Location of adult entertainment land uses within walking distance of churches and other religious facilities will have an adverse effect upon the ministry of such churches and will discourage attendance at such churches by the proximity of adult entertainment land uses.
- (n) A reasonable regulation of the location of adult entertainment land uses will provide for the protection of the image of the community and its property values, and protect the residents of the community from the adverse effects of such adult entertainment land uses, while providing to those who desire to patronize adult entertainment land uses such an opportunity in areas within the county which are appropriate for locations of adult entertainment land uses.
- (o) The initial location of adult entertainment land uses could lead to the location of additional and similar uses within the same vicinity, thus multiplying the adverse impact of the initial location of adult entertainment land uses upon the residential churches, parks and other public facilities, and schools, and the impact upon the image and quality of the character of the community.

#### Section 24-36.1 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply:

- (a) Adult entertainment business means an establishment that is not customarily open to the public generally, but only to one (1) or more classes of the public and which normally excludes any minor by reason of age. Such establishments usually charge a fee for a service or sale item to be purchased. It is a business that is characterized by emphasis on depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as those terms are defined herein. Said terms include the following:
  - (1) Adult: For the purpose of this section refers to persons eighteen (18) years or older.
  - (2) Adult bookstore: An establishment which, as a regular or continuing course of conduct, sells, rents, exhibits, displays, or otherwise distributes or disseminates books, video cassettes, tapes, novelty items, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" in a manner which appeals to a prurient interest.
  - (3) Adult hotel or motel: A hotel or motel wherein a regular or continuing course of conduct is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" in a manner which appeals to the prurient interest.



- (4) Adult mini motion picture theater: An enclosed building or outdoor theater with a capacity for less than fifty (50) persons which, as a regular or continuing course of conduct, is used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" in a manner which appeals to the prurient interest.
- (5) Adult motion picture arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where as a regular or continuing course of conduct the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas" in a manner which appeals to the prurient interest.
- (6) Adult motion picture theater: An enclosed building or outdoor theater with a capacity of two (2) or more persons which, as a regular or continuing course of conduct, is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" in a manner which appeals to the prurient interest.
- (7) Cabaret: A nightclub, theater or other establishment which, as a regular or continuing course of conduct, features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" in a manner which appeals to the prurient interest.
- (8) Massage parlor: Any place where, as a regular or continuing course of conduct, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto exposes "specified anatomical areas" in a manner which appeals to the prurient interest.
- (9) Model studio: Any place or business which, as a regular or continuing course of conduct, for any form of consideration or gratuity, is used for providing figure models who display "specified anatomical areas" in a manner which appeals to the prurient interest, to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity.
- (10) Sexual encounter center: Any business, agency or person which, as a regular or continuing course of conduct, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in "specified

sexual activities" or exposing "specified anatomical areas" in a manner which appeals to the prurient interest.

(11) Adult-other uses: Any business or establishment, which, as a regular or continuing course of conduct, offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" in a manner which appeals to the prurient interest.

(12) Specified sexual activities is hereby defined as:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(13) Specified anatomical areas is hereby defined as:

- a. Less than completely and opaquely covered:
  - (i) Human genitals;
  - (ii) Buttock and pubic region; and
  - (iii) Female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### SECTION 24-36.2 REGULATION OF LOCATION

In those land use districts adult entertainment businesses are permitted in areas zoned C-1, C-2, C-C, H-C, and N-C, subject to securing a use permit. It shall be unlawful to establish any such adult entertainment business if the location is:

- (a) Within seven hundred fifty (750) feet of any area zoned for residential use; or
- (b) Within seven hundred fifty (750) feet of any other adult entertainment business; or
- (c) Within seven hundred fifty (750) feet of any public or private school, park, playground, public building, church, any noncommercial establishment operated by a religious organization recognized by Internal Revenue Service, or any facility established primarily for minors. The establishment of any adult entertainment business shall include the opening of such a business as a new business, the relocation of such business, or the conversion of an existing business location to any adult entertainment business use.
- (d) Signs: Location shall be limited to flat building or premises.

### SECTION 24-36.3 SEVERABILITY

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or application of this chapter which can be implemented without the invalid provision, clauses or application; and to this end, the provisions and clauses of this chapter are declared to be severable.

### SECTION 24-36.4 AMORTIZATION

All adult entertainment businesses and/or activities which become subject to the provisions of this chapter, and which do not meet the locational requirements of this chapter, shall cease operation within three (3) years following receipt of a written notice from the planning commission to the owner of the premises, provided that such activities may be allowed to continue for an additional period upon the granting of an exception by the planning commission upon the finding that the activity is obligated by virtue of a written lease entered into before the effective date of this chapter, for a period exceeding three (3) years from such effective date of this chapter, or that the activity involves investment of money in leasehold or improvements, of such sum that a longer period is necessary to prevent undue financial hardship.

Board of Supervisors Discussion Item 86-387: Interpretation: Additional period of time shall be not in excess of ninety (90) days. The discretion

ary process will be by use permit and solely limited to factual determination of those items in section 24-36.4.

### SECTION 24-37 NONCONFORMING USES

#### SECTION 24-37.1 PURPOSE AND INTENT

Existing uses, structures and buildings, and lots or parcels which do not conform to the regulations of the zone in which they are located shall be subject to these specific regulations. It is the purpose of this Article to establish procedures to permit the continued operation of such uses where such uses are appropriate while eliminating nonconforming uses through abandonment, obsolescence or destruction.

#### SECTION 24-37.2 TYPES OF NONCONFORMING USES DEFINED

As used in this chapter, the term nonconforming uses includes several types of nonconformities. Several distinct types of nonconformities can be distinguished from one another. These include:

- (a) Nonconforming building -- that situation which occurs when a building or structure does not conform to the zone regulations because of size, height, location, materials or proximity to other buildings; and
- (b) Nonconforming use of a building -- that situation which occurs when the use of a building or structure does not conform although the building or structure does; and



- (c) Nonconforming uses of land -- that situation where the use of the land regardless of any buildings or structures does not conform; and
- (d) Conditional use without use permit -- that situation where a use which is listed as a conditional use of the zone in which it is located does not have a use permit.

For the purposes of this chapter these various nonconformities shall be known as nonconforming uses.

#### **SECTION 24-37.3 CONTINUED USE OF A LEGAL NONCONFORMING USE**

Except as hereinafter otherwise provided, any use, building or structure, existing on the effective date of this chapter may be continued even though such use, building or structure may not conform with the regulations of the zone in which it is located. Provided, however, that such use must have been lawfully established and not in violation of any ordinance, statute or regulation in effect at the time. Furthermore, such use, structure or building must have been in existence at the time, not merely contemplated. Use permits, variances, building permits or other permits not exercised within the required time do not establish the right to a legal nonconforming use. Pursuant to law, the party asserting a right to a nonconforming use has the burden of proof to establish the lawful and continuing existence of the use at the time of the enactment of the ordinance, statute or regulation.

#### **SECTION 24-37.4 CHANGE OR EXPANSION OF NONCONFORMING USE. USE PERMIT REQUIRED.**

Except as hereinafter otherwise provided, no nonconforming use shall be expanded, enlarged, extended, reconstructed, substituted, or structurally altered unless made to conform to the use standards and regulations for the zone within which it is located. Provided, however, that any nonconforming use may be changed to another nonconforming use, expanded, enlarged, extended, reconstructed, or structurally altered upon obtaining a use permit from the planning commission. When considering a use permit for a nonconforming use, the planning commission shall grant the use permit when it finds that the change, expansion, enlargement, extension, reconstruction, or structural alteration of such use will not conflict with, impair or be detrimental to the uses both permitted and conditional of the zone in which it is located and/or adjoins. This finding shall be in addition to the findings required by Section 24-47 of the Butte County Zoning Ordinance. Pursuant to Section 24-43 the Planning Commission may impose conditions upon the issuance of the use permit which are reasonably related to the use of the property for which the use permit is requested. In addition the planning commission may at its own discretion establish a date for either the termination of the use or review of the use permit. Whenever a nonconforming use has been changed to conform to the uses, standards and regulations of the zone in which it is located such nonconforming use shall not thereafter be changed to a nonconforming use.

#### **SECTION 24-37.5 RESIDENTIAL SUBSTITUTION PERMITTED**

The substitution of a single nonconforming residential building or structure is permitted subject to a review and conditions imposed by the planning

director. Such conditions shall be limited to setbacks, yards, locations, height, and placement of the building or structure on the property. Substitution of a nonconforming mobile home shall be considered a permitted residential substitution under the terms of this chapter.

#### **SECTION 24-37.6 ABANDONMENT OF NONCONFORMING USE**

(a) Abandonment: Consequences: A nonconforming use shall be abandoned when it is voluntarily discontinued with the intent not to resume it. There shall be a presumption that a nonconforming use which has been discontinued for a period of Twelve (12) consecutive months has been abandoned; however, the property owner, occupant or other party asserting the right to said use may submit evidence to rebut the presumption including evidence that the discontinuance was not voluntary. The property owner, occupant or other party asserting the right to a legal nonconforming use has the burden of proving the legal and continuing existence of the use. Once abandoned, a nonconforming use shall no longer be a legal nonconforming use entitled to the rights and privileges described in this Chapter and thereafter shall be made to conform to the uses, standards and requirements of the zone in which it is located.

(b) Determination of Abandonment; Appeal: The Planning Director may determine whether or not a nonconforming use has been abandoned and may mail notice of such determination to the property owner using the address from the latest equalized assessment roll of the County of Butte and to the occupant at the street address of the property. The property owner or occupant may, within 15 days of the mailing of said determination, appeal the determination to the Board of Supervisors. If no such appeal is filed, the determination of the Planning Director shall be final. If such appeal is filed, it shall be filed and heard in the same manner as appeals pursuant to Section 24-48. There shall be no fee required for the filing of such an appeal.

#### **SECTION 24-37.65 RESTORATION OF NONCONFORMING BUILDINGS OR STRUCTURES**

A nonconforming building or structure which does not conform to the required side yard, rear yard, or street setback areas, which is demolished, damaged or destroyed totally or in part, may be restored to a total floor area or to the same extent as the original only upon securing a use permit pursuant to Section 24-43.

#### **SECTION 24-37.7 RESTORATION OF NONCONFORMING USES**

A nonconforming use, building or structure catastrophically damaged or destroyed totally or in part, may be restored to a total floor area or to the same extent as the original without a use permit. Provided, however, that any expansion, enlargement or extension of the nonconforming use be allowed only upon securing a use permit pursuant to Section 24-43. Any such restoration or reconstruction of a nonconforming use not requiring a use permit shall commence within twelve (12) months and be completed within twenty-four (24) months of the time of damage or it shall be deemed abandoned. Upon application to the planning commission an extension of time for the restoration of a nonconforming use may be granted not to exceed five (5) years in total.



#### **SECTION 24-37.8 MAINTENANCE AND REPAIRS FOR SAFETY**

Nothing in this chapter shall prevent the normal, ordinary, customary maintenance of a nonconforming use provided that such maintenance does not include major structural alterations which have the effect of expanding, enlarging or extending the nonconforming use. Nothing in this chapter shall prevent any such repair, alteration or restoration to a safe condition of any portion of a nonconforming use when so directed by the Butte County Public Works Director upon a finding that such is necessary for the protection of the public health and safety.

#### **SECTION 24-37.9 CONSTRUCTION -- USE PERMITS -- AMENDMENTS**

- (a) Nothing in this chapter shall require any change in the plans, construction size or designated use of any land, building or structure for which building permits have been issued, in accordance with the provisions of this chapter or ordinances then in effect. Provided, however, that the actual use or construction under such permit has started prior to the effective date of this chapter and in all such cases be carried out in a normal manner until completion.
- (b) Except as provided in subsection (a) of this section and Section 24-43, any rezoning or subsequent amendment of this chapter which has the effect of eliminating a particular conditional use or changing the conditions under which a particular conditional use may be allowed shall remain valid, unless specifically stated to the contrary in the amending ordinance. Subject to the limitations of Section 24-43 any such use permits shall remain valid and may be used, extended, transferred or modified through amendment to the same extent that the rezoning or amendment was not adopted. No extension of a use permit shall be granted following such rezoning or amendment unless the applicant makes a satisfactory showing to the planning commission that there have been substantial expenditures made in reliance upon the continued effectiveness of the use permit within the prescribed time period and/or the inability to complete the project authorized by the use permit is due to reasons beyond the applicant's control.

#### **SECTION 24-37.10 NONCONFORMING PARCELS OF RECORD**

Except as otherwise provided in this chapter or where specifically merged under the provisions of Section 66499.11 et seq. of the Government Code, any legally established parcel of land of record having less than the minimum width or frontage required for the zone in which it is located, may be used for a permitted use provided that the parcel:

- (a) Meet the other area or dimensional standards and requirements for the proposed use unless changed by the planning commission with a variance; and
- (b) Meet the requirements of the Butte County Health Department for the provisions of water and sewage disposal.

Side yard setbacks on nonconforming lots may be reduced by five (5) foot increments until at least a 75 foot wide building envelope is achieved. No side yard setback requirement is to be reduced below ten (10) feet. Such modification of side yard setbacks is to be approved in each and every case by the planning director or deputy after finding that the subject property is a legally created nonconforming lot.



#### **SECTION 24-37.11 EFFECTIVE MERGER BY CONSTRUCTION**

For the purposes of this chapter, the effect of locating a permanent building or structure on a property line between two or more parcels under the same ownership shall be to merge the parcels involved into one unit. Such parcels so merged shall not be treated as separate ownership units unless the building or structure is made to conform to the standards and requirements of the zone in which it is located. This section shall not apply to condominiums, zero lot line, or other developments which specifically permit construction to be located on, over or adjacent to property lines.

#### **SECTION 24-38 CAMPING LIMITATIONS AND PROHIBITIONS**

(a) No person shall place or park or allow the placing or parking of any trailer coach, recreation vehicle, tent trailer or tent or otherwise occupy or allow the occupancy of any parcel (as defined in Section 24-21.31) for the purpose of camping (as defined in Section 24-31.095) on public or private property within the County for a period in excess of 9 days in any one calendar year, except in an outdoor recreational facility, camp ground, recreation vehicle park, or hunting/fishing camp, lawfully established and maintained pursuant to this Chapter.

(b) No person or persons shall place or park on any parcel (as defined in Section 24-21.31), at the same time, more than a combined total of two trailer coaches, recreation vehicles, tent trailers, or tents, for the purpose of camping (as defined in Section 24-21.095), except in an outdoor recreational facility, camp ground, recreation vehicle park, or hunting/fishing camp, lawfully established and maintained pursuant to this Chapter.

(c) No more than two families, as defined in Section 24-21.14, shall occupy any parcel (as defined in Section 24-21.31), at the same time, for the purpose of camping (as defined in Section 24-21.95), except in an outdoor recreational facility, camp ground, recreation vehicle park, or hunting/fishing camp, lawfully established and maintained pursuant to this Chapter.

#### **SECTION 24-39 RESERVED**

#### **SECTION 24-40 ADMINISTRATIVE PERMITS.**

- (a) Purpose: The Administrative Permit procedure is intended to permit certain uses of property and structures by Administrative Permit in lieu of requiring a use permit. This procedure will be applicable to types of minor land uses for which standard conditions have been formulated and adopted by the Board of Supervisors. The uses allowed by Administrative Permit must be projects that are not subject to, or are categorically exempt from, environmental review under the provisions of CEQA. An Administrative Permit may be approved by the Planning Director for any of the uses for which Administrative Permits are required by Chapter 24, as set forth herein.
- (b) An application for an Administrative Permit shall be made in writing on a form prescribed by the Planning Director, and shall be accompanied by the following:

- (1) A clear and concise description of the proposed use and accompanying activities;
  - (2) Plans, maps or other documents showing the details of the proposed use, buildings or facilities; and
  - (3) Information demonstrating compliance with the criteria applicable to the proposed use.
  - (4) An application fee as set by the Board of Supervisors.
- (c) Applicants shall be notified in writing of incomplete applications and shall respond and make the applications complete within thirty (30) days of the mailing of said notice. Failure, without good cause, to so respond and complete the application, shall result in the application being deemed abandoned, and no further action shall be taken upon it. The Planning Director shall have the authority to determine good cause.
- (d) All applications shall be reviewed by the members of the Development Review Committee. The Development Review Committee shall consist of the Director-Development Services, the Planning Director, the Director of Public Works, the Director of Environmental Health, their respective deputies or appointed representatives, and such other County officers or employees involved in the development review process of the county as the Director-Development Services may, from time to time, deem appropriate. The report of the Development Review Committee members, including any recommended conditions of approval, shall be forwarded to the Planning Director prior to the Director's decision on the application.
- (e) The Planning Director shall consider approval of the application after the application is accepted as complete and the report from the Development Review Committee has been received.
- (1) If the Director determines that the proposed use appears to meet all criteria applicable to the proposed use, the Director shall provide notice of the proposed approval. The notice shall include a general explanation of the matter being considered, a general description of the area to be affected, the proposed conditions of approval, and a deadline for submitting written comments on the application. The notice shall be given by mail to the owners of all property within 300 feet from the exterior boundaries of the subject parcel. Said notice shall be mailed to said property owners at their last-known addresses using the address from the latest equalized assessment roll of the County of Butte, except that in no case shall less than thirty (30) separate and individual property owners closest to the area being considered be notified. Failure to receive the notice shall not invalidate any action on the application. The Board of Supervisors may, by resolution, provide for additional notice. The Director shall consider any comments received in determining whether all applicable criteria are met.
  - (2) If the Planning Director determines that the proposed use does not meet all criteria applicable to the proposed use, the Director shall deny the application.



- (3) The Planning Director may refer any Administrative Permit proposal to the Planning Commission for a decision if he or she determines that the nature of the project, or the existence of a policy question, requires such referral.
- (f) The granting of any Administrative Permit may be conditioned upon the dedication of land or the posting of a bond to guarantee the installation of public improvements, provided the dedication or public improvements are reasonably related to the use for which the Administrative Permit is granted.
- (g) Any Administrative Permit granted under this section may be limited to a specified term. The establishment, maintenance or operation of any use under this section shall cease at the end of the specified term, if any. No Administrative Permit granted under this section may be renewed, but a new Administrative Permit may be granted upon terms and conditions appropriate at the time of such grant.
- (h) Any interested person may appeal the decision of the Planning Director to the Planning Commission within eight (8) days. Such appeals shall follow the same procedures applicable to a Use Permit appeal including the notice requirements. An appeal fee, as determined by the Board of Supervisors shall be required for any appeal.
- (i) Every Administrative Permit issued under this section is revocable for good cause. Whenever the Planning Director determines that one or more grounds exist for revocation of an Administrative Permit, the Director shall act in the manner set forth in Butte County Code Section 24-62. The provisions of this Article II governing the violation of terms of a Use Permit and all references to use permits in those provisions shall be deemed to include a reference to Administrative Permits.
- (j) Every Administrative Permit expires and is automatically null and void without further action by the County if the activity or use for which the Administrative Permit was granted has not been actively and substantially commenced with one year of the date of its final approval.
- (k) The Planning Director may extend the time for commencement of the use or activity if a request, made in writing, is made to the Planning Department prior to expiration of the Administrative Permit. The decision on an application for an extension of time is ministerial and a public hearing on the application is not required. An extension of time shall be approved if the permittee shows reasonable cause for the extension. Reasonable cause exists if the applicant shows that circumstances beyond his control have prevented him from taking sufficient action. An extension shall also be granted if construction has commenced and the applicant has made substantial progress towards compliance with the conditions of the permit.
- (l) The time limitations imposed under subsections (j) and (k) of this section shall not include any period during which litigation is actively pursued challenging the validity of the approval of an Administrative Permit.
- (m) The holder of an Administrative Permit may surrender it to the Planning Department at any time and thereafter shall cease to engage in, operate or maintain the use.

**SECTION 24-41 RESERVED**

**SECTION 24-42 USE PERMIT VIOLATIONS.**

- (a) It shall be unlawful to establish, continue or maintain any use for which a use permit is required pursuant to the provisions of this Chapter, unless and until a use permit therefor is obtained and in effect.
- (b) It shall be unlawful to violate any of the terms or conditions of a use Permit.



#### **SECTION 24-43 USE PERMITS -- PLANNING COMMISSION TO HEAR AND DECIDE APPLICATIONS**

The planning commission shall hear and decide all applications for use permits required by this chapter.

In approving a use permit, the planning commission may include such conditions as the commission deems reasonable and necessary under the circumstances to preserve the integrity and character of the zone and to secure the general purposes of this chapter and the general plan. Such conditions may include, but are not limited to, time limitations and development plan approval, street dedication, and street and drainage improvements. Nothing in this section shall be construed to limit the discretion of the authority of the planning commission to require conditions. Conditions imposed upon issuance of a use permit must be reasonably related to the use of the property for which the permit is requested.

#### **SECTION 24-44 USE PERMITS -- CONDITIONS**

The planning commission may condition a use permit to prohibit a building, structure or land use to be occupied until an inspection has been made and it is found that the building, structure or land use complies with all conditions which the planning commission has specifically required to be completed prior to occupancy. If a use permit is so conditioned, the director of planning shall notify the director of public works of such conditions. The director of public works or the building inspector, upon notification from the permit holder or his agent, shall make an inspection and shall either approve the use and occupancy or shall notify the permit holder or his agent wherein the building, structure or land use fails to comply with the conditions imposed by the planning commission. If a building permit is issued for a building or structure which is subject to a use permit so conditioned, the director of public works shall not approve a final inspection of such building or structure until the conditions have been met; provided, however, that responsibility for use permit compliance shall remain with the planning director.

#### **SECTION 24-45 USE PERMITS -- FORM; FEES**

Applications for use permits shall be made to the planning commission in writing on a form prescribed by the planning commission and shall be accompanied by plot plans sufficient to show the details of the proposed use or building.

Every application shall be accompanied by the fee set by resolution of the board of supervisors to be deposited in the county general fund, no part of which shall be returned to the applicant.

#### **SECTION 24-46 USE PERMITS -- HEARING**

Upon the filing of a sufficient and proper application and payment of the fees provided for in section 24-45 herein, the planning commission shall fix a time and place for a public hearing.

A notice of hearing on the application for a use permit shall be both published in a newspaper of general circulation in accordance with Government Code section 65854 and be mailed to the owners of all property within

three hundred (300) feet from the exterior boundaries of all property upon which an application for proposed use has been made. Said notice shall be mailed to said property owners at their last-known addresses using the address from the latest equalized assessment roll of the County of Butte, except that in no case shall less than ten (10) separate and individual property owners closest to the area being considered be notified. Said notice shall indicate the time, date and place of the hearing and the location of the subject property. Failure of any property owner to receive such a notice shall not affect in any manner the action taken by the planning commission or the board of supervisors.

#### **SECTION 24-47 USE PERMITS -- CRITERIA FOR GRANTING**

The planning commission, on the basis of the evidence submitted at the hearing, may grant use permits required by the provisions of this chapter when it finds that the proposed uses of the property will not impair the integrity and character of the zone in which the land lies and that the use would not be unreasonably incompatible with, or injurious to, surrounding properties or detrimental to the health and general welfare of the persons residing or working in the neighborhood or to the general health, welfare and safety of the county.

Evidence offered at the hearing hereunder shall be received, held and disposed of in the manner set forth in sec. 24-27(b) herein.

#### **SECTION 24-48 USE PERMITS -- RIGHT OF APPEAL UPON DENIAL; PROCEDURE**

The determination of the planning commission shall be final unless a written appeal is filed with the clerk of the board of supervisors by 5:00 p.m. on the eighth calendar day following the date of the determination; provided, that if said eighth day falls on a legal holiday, the appeal may be filed by 5:00 p.m. on the next day which the office of the clerk is open for business. The clerk shall immediately forward a copy of said appeal to the planning commission. No use permit may be issued until said time for appeal has expired, nor may such permit be issued in the event an appeal is filed until the board of supervisors act on said appeal. Within ten (10) days of the date of filing of an appeal, the board of supervisors shall set a date for a hearing. Said hearing shall be advertised and noticed pursuant to section 24-46. The board of supervisors shall decide such appeals making the findings required in section 24-47 above. The board of supervisors' hearing shall be conducted de novo provided that all applications, papers, maps, exhibits and staff recommendations made or presented to the planning commission may be considered by the board of supervisors. The decision of the board of supervisors shall be final and not subject to review except by a court of competent jurisdiction.

#### **SECTION 24-48.1 USE PERMITS -- TIME LIMITS**

If any use for which a permit has been granted is not established within one (1) year of the date of receipt of the permit by the permittee, the permit shall become null and void and reapplication pursuant to section 24-45 shall be required to establish the use previously granted under the expired permit unless, thirty (30) days prior to the expiration date, a request for a one (1) year extension is submitted to the planning commission together with sufficient evidence that time limits for processing development permits



under federal or state regulations require time limits which exceed one (1) year.

#### **SECTION 24-48.2 USE PERMITS -- CESSATION OF USE**

A use permit shall be deemed revoked if the use for which the permit was granted has ceased or has been suspended for a period of twelve (12) consecutive months.

#### **SECTION 24-48.3 USE PERMITS -- EXTENSION OF TIME LIMITS**

Upon application, and for good cause shown by the permittee, at a public hearing noticed pursuant to section 24-46 above, the planning commission may extend any time limitations previously made a part of any condition to a use permit. If construction has commenced on the project, and the applicant has made progress toward compliance with the conditions of the use permit, an automatic one-year extension of time shall be granted when a request is submitted to the planning department, and the status of the use permit verified by that department. Unless otherwise provided for in a condition to a use permit pursuant to sections 24-43 and 24-44 herein, all conditions must be completed by the permittee within twelve (12) months of the delivery of the permit to the permittee.

#### **SECTION 24-48.4 USE PERMITS -- MODIFICATION**

Any permittee may apply for a modification of his permit by complying with the application provisions of section 24-45 herein. Upon the filing of a sufficient application and payment of the required filing fee, the planning commission shall fix a time and place for a public hearing.

#### **SECTION 24-48.5 USE PERMITS -- MODIFICATION APPEAL**

Pursuant to section 24-48.3 above, the planning commission at the hearing may modify the permittee's use permit by changing, deleting or adding conditions to the permittee's existing permit. Any such modification shall be subject to appeal as provided in section 24-48 above.

#### **SECTION 24-48.6 THE PLANNING DIRECTOR MAY EXTEND PERMIT SIGNING PERIOD**

The use permit shall be deemed granted when the appeal period pursuant to section 24-52 has lapsed and the permit signed by the applicant, with the countersignature of the planning commission, is received by the permittee by certified mail. The applicant must sign the use permit within thirty (30) days of expiration of the appeal period. Extension of the 30-day time period is appealable to the planning director upon showing reasonable causes. Any use permits previously approved that are not signed within 30 days of the effective date of this ordinance shall be deemed invalid.

#### **SECTION 24-49 STANDARDS AND CONDITIONS FOR GRANT OF VARIANCE**

Variances from the terms of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this chapter



deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. Any such condition imposed upon issuance of a variance must be reasonably related to the use of the property for which the variance is requested.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

#### **SECTION 24-50 APPLICATION FOR VARIANCE**

Application for a variance shall be made to the planning department in writing on a form prescribed by the planning commission. Such application shall be accompanied by a fee set by resolution of the board of supervisors to be deposited in the county general fund, no part of which shall be returnable to the applicant.

#### **SECTION 24-51 NOTICE OF HEARING**

- (a) The planning commission shall hold at least one hearing on the application, said hearing to be noticed as provided in section 24-46 herein.
- (b) Evidence offered at the hearing hereunder shall be received, held, and disposed of in the manner set forth in section 24-27(b) herein.

#### **SECTION 24-52 USE PERMITS AND VARIANCES -- APPEAL**

The determination of the Planning Commission shall be final unless a written appeal is filed with the clerk of the board of supervisors by 5:00 p.m. on the eighth calendar day following the date of the determination; provided that, if said eighth day falls on a legal holiday, the appeal may be filed by 5:00 p.m. on the next day on which the office of the clerk is open for business. Every appeal shall be accompanied by the fee set by resolution of the board of supervisors to be deposited in the county general fund, no part of which shall be returned to the applicant. The clerk shall immediately forward a copy of said appeal to the planning commission. No use permit/variance may be issued until said time for appeal has expired, nor may such use permit/variance be issued in the event an appeal is filed until the board of supervisors act on said appeal. Within ten (10) days of the date of the filing of an appeal, the board of supervisors shall set a date for a hearing. Said hearing shall be advertised and noticed pursuant to section 24-46 herein. The board of supervisors shall decide such appeal on use permits on the grounds set out in section 24-47 herein, and on variances on the grounds set out in section 24-49 herein. The board hearing shall be conducted de novo provided that all applications, papers, maps, exhibits, and staff recommendations made or presented to the planning commission may be considered by the board of supervisors. The decision of the board of supervisors shall be final and not subject to review except by a court of competent jurisdiction.

#### SECTION 24-53 TRAVEL TRAILERS AS TEMPORARY DWELLINGS

With the exception of the R-1 (Single-Family Residential) districts, a special use permit for temporary trailer dwellings may be issued by the planning department in all the other remaining zoning classification districts. Such use permit shall be null and void one year after the date of issuance thereof; provided, however, the planning department may extend such use permit for one year and subsequently extend such use permit for one year. Such extension by the planning department shall be done only upon a showing of physical or financial hardship by the applicant in complying with the following conditions to the granting of the use permit:

- (a) That the occupant has secured a building permit for a residence;
- (b) That the occupant has secured a sewerage disposal permit from the Butte County Health Department;
- (c) That before six (6) months have elapsed from the date of the issuance of the building permit, the occupant shall have completed the foundation, rough plumbing, framing and the roof of the proposed residence; and
- (d) That the house must be completed within the one-year period and the trailer dwelling must be abandoned.

#### SECTION 24-54 SEGREGATION OF HOMESITES IN AGRICULTURAL ZONES

- (a) Purpose and Intent. It is the purpose and intent of this ordinance to allow the segregation of one (1) existing home in the agricultural zones providing that the proposed segregation meets certain criteria as specified in this article.
- (b) Definitions
  - (1) Contiguous. Contiguous parcels are any two properties which share a mutual boundary. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way per Government Code Section 66424.
  - (2) Related Ownership. Related ownership is ownership by the applicant or by a partnership or corporation in which the applicant is a partner, principal, director, officer or shareholder. Partnerships or corporations shall mean only those partnerships and corporations which are recognized, established or authorized to do business under the laws of the State of California.
- (c) Permitted Uses. In the agricultural zones (A-5 through A-160), excluding parcels of five (5) acres or smaller, the subdivision of property in order to legally segregate one (1) home (an existing primary residence) from the remaining farmland may be allowed upon the approval and issuance of a use permit by the planning commission. The application for the use permit shall include a plan of development. All existing dwellings and other existing and/or proposed structures shall be shown on the plan. In addition, natural or man-made creeks, drains or canals should be shown. The planning commission may grant such a permit only after finding, in addition to the findings required by section 24-47, that all the following conditions (1-6) are met:



- (1) The parcel to be created is to allow an owner who, for a minimum of ten (10) continuous years immediately prior to application, has resided upon and farmed the subject property, to retain the existing home and continue the remaining acreage in agricultural use.
  - (2) The existing parcel(s) shown on the plan together meet the parcel area requirements of the zone. If there are contiguous parcels under related ownership only enough parcels must be included in the plan to meet the acreage requirements of the existing zone.
  - (3) The proposed segregation will not reduce the capabilities for agricultural use of the non-home parcel and surrounding properties.
  - (4) The proposed segregated parcel meets the requirements of the County Health Department for sewage disposal and water supply.
  - (5) The proposed segregation is consistent with the policies of the Butte County General Plan because of the covenant required in section 24-54(d).
  - (6) The existing home parcel being segregated is not less than one (1) acre and not more than two (2) acres or the minimum lot area allowed by the County Health Department, whichever is greater.
- (d) Other Standards and Requirements. Prior to the division being effective, the owner or owners of the property included in the approved development plan shall execute and cause to be recorded in the office of the Recorder a covenant binding upon the original owners and their heirs, successors and assigns, which disallows additional dwellings from being located on the agricultural property or the agricultural property or the agricultural segregation parcel.

The use permit and covenant shall be in force for ten (10) years minimum from the time of recording of the covenant at the Recorder's office and will continue until the applicant applies for termination or partial termination thereof. Applications for termination or partial termination shall be considered in the same manner as applications for use permits pursuant to sections 24-43 through 24-48 of the Butte County Code. The planning commission options for action on such application are:

- (1) Terminate or partially terminate the covenant and remove conditions from use permit. Applications for termination or partial termination to be accompanied by the fee set by resolution of the board of supervisors to be deposited in the county general fund, no part of which shall be returned to the applicant.
- (2) Extend the covenant for a period not to exceed ten (10) years.
- (3) Consider the area for change in designation from Orchard and Field Crops, Grazing and Open Land, or Agricultural-Residential to a non-agricultural designation under the General Plan.

The use permit and covenant shall be in force for the agreed-upon time unless the General Plan is amended and the property in question is no

longer designated agricultural. If this should occur, the applicant may apply for termination of the covenant.

- (e) Special Notes. It shall be the duty of the seller or his agent to inform any possible buyer or his agent of the existence of the covenant and of its terms.

The covenant shall be in a form approved by County Counsel.

#### **SECTION 24-55 SEGREGATION OF AGRICULTURAL PROCESSING USES IN AGRICULTURAL ZONES**

- (a) Purpose and Intent. It is the purpose and intent of this ordinance to allow the segregation of existing agricultural processing uses in the agricultural zones providing that the proposed segregation meets certain criteria as specified in this article.
- (b) Definitions
- (1) Agricultural Products. Agricultural products are the result of cultivating, harvesting and/or raising orchards, field crops and/or livestock. Refer also to definition of Agriculture.
  - (2) Agricultural Processing Plant. An accessory use to agriculture for preparation of harvested crops in their natural state, for desirous marketability, such as nut hulling plants, prune dehydrators and the supply, service, storage and receiving stations of such products. The above uses shall not include stockyards, commercial feed yards, canneries, slaughterhouses, fertilizer works or plants for the reduction of animal matter.
  - (3) Contiguous. Contiguous parcels are any two properties which share a mutual boundary. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way, per Government Code Section 66424.
  - (4) Related Ownership. Related ownership is ownership by the applicant or by a partnership or corporation in which the applicant is a partner, principal, officer or shareholder. Partnerships or corporations shall mean only those partnerships and corporations which are recognized, established or authorized to do business under the laws of the State of California.
- (c) Permitted Uses. In the agricultural zones (A-5 through A-160), excluding parcels of ten (10) acres or smaller, the subdivision of property in order to legally segregate one (1) existing agricultural processing site may be allowed upon the approval and issuance of a use permit by the planning commission. The application for the use permit shall include a plan of development. All existing dwellings and other existing and/or proposed structures shall be shown on the plan. In addition, natural or man-made creeks, drains or canals should be shown. The planning commission may grant such a permit only after finding, in addition to the findings required by section 24-47, that all the following conditions (1-5) are met:
- (1) The existing parcel(s) shown on the plan of development together meet the parcel area requirements of the zone. If there are



contiguous parcels under related ownership, only enough parcels must be included in the plan to meet the acreage requirements of the existing zone.

- (2) The proposed segregation will not reduce the capabilities for agricultural use of the non-agricultural processing parcel(s) and surrounding properties.
  - (3) The proposed parcels meet the requirements of the County Health Department for sewage disposal and water supply.
  - (4) The proposed segregation is consistent with the policies of the Butte County General Plan because of the covenant required in section 24-55(d).
  - (5) The agricultural processing parcel is not less than one (1) acre and not more than five (5) acres, or the minimum lot area allowed by the County Health Department, whichever is greater.
- (d) Other Standards and Requirements. Prior to the division being effective, the owner or owners of the property included in the approved development plan shall execute and cause to be recorded in the office of the Recorder, a covenant binding upon the original owners and their heirs, successors and assigns.

The use permit and covenant shall be in force for ten (10) years from the time of recording of the covenant in the Recorder's office and will continue until the applicant applies for termination or partial termination thereof. Applications for termination or partial termination shall be considered in the same manner as applications for use permits, pursuant to sections 24-43 through 24-48 of the Butte County Code. The planning commission options for action on such application are:

- (1) Terminate or partially terminate the covenant and remove conditions from use permit. Applications for termination or partial termination to be accompanied by the fee set by resolution of the board of supervisors to be deposited in the county general fund, no part of which shall be returned to the applicant.
- (2) Extend the covenant for a period not to exceed ten (10) years.
- (3) Consider the area for a change in designation from Orchard and Field Crops, Grazing and Open Land, or Agricultural-Residential to a non-agricultural designation under the General Plan.

The use permit and covenant shall be in force for the agreed-upon time unless the General Plan is amended and the property in question is no longer designated agricultural. If this should occur, the applicant may apply for termination of the covenant.

- (e) Special Notes. It shall be the duty of the seller or his agent to inform any possible buyer or his agent of the existence of the covenant and of its terms.

The covenant shall be in a form approved by County Counsel.

(f) Allowable Accessory Uses in Segregated Agricultural Processing Sites

- (1) Agricultural processing plants, i.e. hullers, dryers, etc., where processing is done for owner's crops and on consignment.
- (2) Warehousing and storage of agricultural products.
- (3) Processing of flammable substances such as gasohol or methanol produced from agricultural products. (This use will require special permits from the Fire Marshal.)

**SECTION 24-56 MOBILE HOME PARK**

- (a) Notwithstanding any provisions to the contrary in this chapter a mobile home park as defined herein is a conditional use, requiring a use permit, in the following zones:

A-2 Ltd.	(Limited General)
A-R	(Agricultural-Residential)
*AR-1/2	(Agricultural-Residential, 1/2-acre parcels)
*AR-1	(Agricultural-Residential, 1-acre parcels)
AR-MH	(Agricultural-Residential, Mobile Home)
AR-MH-1	(Agricultural-Residential, Mobile Home, 1-acre parcels)
A-SR	(Agricultural - Suburban Residential)
*FR-1	(Foothill Recreational, 1-acre parcels)
M-R	(Mountain or Recreational Subdivision - Residential)
R-1	(Residential)
R-2	(Residential)
R-3	(Residential)
R-4	(Residential)
*R-1 A&C	(Minimum Density Residential Arts & Crafts)
R-MH	(Residential - Mobile Home)
R-N	(Residential - Nonconforming)
*R-P	(Residential - Professional)
*RT-1/2	(Medium Density Residential Mobile Home)
RT-1-A	(Minimum Density Residential Trailer)
S-R	(Suburban Residential)
SR-1/2	(Suburban Residential)
SR-1	(Suburban Residential, 1-acre parcels)
TM-1	(Timber Mountain, 1-acre parcels)

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\*Included by policy.

- (b) The overall density of the mobile home park shall not exceed that for the zone in which it is located.



#### SECTION 24-57 APPLICABILITY TO SUBSURFACE MINERAL RIGHTS

The provisions of this chapter as not intended to act or be construed as to impair, interfere, repeal, extinguish or terminate any mineral right more than 100 feet below the surface regardless of the zone within which such subsurface mineral right exists. Subsurface mining in conjunction with any such subsurface mineral right shall be permitted regardless of the zone in which it is located. Provided, however, that the surface work, entrance, and other surface activities incident to an underground mine shall be subject to the provisions of this chapter including but not limited to the requirements of the Surface Mining and Reclamation Act of 1975 as implemented by the County of Butte through ordinance and policy.

#### SECTION 24-58 ENVIRONMENTAL IMPACT

Requirement for findings: Notwithstanding any other provision of this code or any ordinance, all discretionary decisions by the board of supervisors and planning commission require findings prescribed in the California Environmental Quality Act and ordinances adopted pursuant thereto, in addition to all other requirements.

#### SECTION 24-59 RESERVED

#### SECTION 25-60 REAPPLICATION

Whenever an application for change of zoning, use permit, variance or an expansion of a nonconforming use is declined in the legislative process as set out in this chapter of the Butte County Code, no new application for rezoning, use permit, variance or expansion of nonconforming use pertaining to part or all of the property affected by said initial application may be filed for one year from the date of the final decision thereon; provided, however, that a new application may be filed where the applicant shows at a public hearing, as provided herein, that there has been a change of circumstances that occurred after the final decision on the previous application. A special public hearing shall be held on the question of change of circumstances, which special hearing shall be set, noticed and heard in the same manner as for a hearing for change of zoning as set forth in section 24-46 of this code.

- (a) Application: The application for said special hearing must be accompanied by the fee set by resolution of the board of supervisors to be deposited in the general fund of the County of Butte, no part of which shall be returnable to the applicant.
- (b) Decision and appeal: The decision of the planning commission on the issue of change of circumstances shall be final except that any interested person may appeal the decision to the board of supervisors, provided that a written notice of appeal is filed with the clerk of the board of supervisors and accompanied by the fee set by resolution of the board of supervisors within five (5) days of the decision of the planning commission.

#### SECTION 24-61 RESERVED

## **SECTION 24-62 VIOLATION OF TERMS OF USE PERMIT**

Whenever any alleged violation of the terms of a use permit is brought to the attention of the Planning Director, he or she shall, after determining that a violation does exist, give the permittee a written notice to comply within thirty (30) days. Said notice shall be sent by registered mail, return receipt requested, and the thirty (30) day period shall commence with the date of mailing notice. If the permittee does not comply within the thirty (30) day period, the Planning Director shall place the question of the revocation of the use permit on the agenda of the next regular Planning Commission meeting.

Any use permit may be revoked if any of the terms or conditions of such permit are violated or if any acts or omissions of the permittee in connection with the use authorized by said permittee constitute a public nuisance. The Planning Commission shall set a date for hearing to be held before it on any proposed revocation. Notice of said hearing shall be advertised and noticed pursuant to Government Code Section 65905, and notice of said hearing shall be given to the permittee by registered mail. Notice of the time and place of said hearing shall be sent to the permittee by registered mail, return receipt requested, at least ten (10) days prior to said hearing. The Planning Commission may continue the hearing from time to time. Based upon the evidence presented at the hearing, the Planning Commission may revoke or modify the use permit.

The decision of the Planning Commission may be appealed as provided in section 24-48 above.

If the final decision of the Planning Commission or Board of Supervisors, as applicable, is to revoke the use permit pursuant to this section and the use continues even though the use permit has been revoked, the Planning Director shall report such facts to the Board of Supervisors and to the office of the district attorney and county counsel for appropriate action. Evidence necessary to litigate the violation shall be submitted by the Planning Director to the District Attorney and County Counsel in a form and with a content approved by them.

## **SECTION 24-63 PROCEDURE FOR INVESTIGATION AND PROSECUTION OF ZONING VIOLATIONS**

All alleged violations of the terms of the zoning ordinances, other than those provided for in section 24-62, shall be investigated by the planning department, which shall make an inspection of the site on which the violation is alleged to have occurred or to be occurring and shall determine if the site was and is being used in conformance with the zoning regulations governing that site. Following such investigation and determination, the planning department and code enforcement officers shall proceed in accordance with the provisions of Article I of Chapter 41 of this Code.

### **SECTION 24-63.1 PENALTIES**

- (a) Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor. Each day of violation constitutes a separate offense.



- (b) The use of any property or building in violation of the terms hereof is hereby declared to be a public nuisance and may be abated in the manner provided by law.
- (c) The penalties above described shall not be deemed to abrogate, limit or annul the right to enjoin any use in violation of this chapter or to abate same by civil action.

### ARTICLE III. DISTRICT ZONING REGULATIONS

#### **SECTION 24-64 APPLICABILITY OF ZONING REGULATIONS**

The regulations set forth in this section shall govern land use within areas or districts so zoned. All uses of land within a zoned district not specifically authorized or permitted by the regulations are prohibited.

#### **SECTION 24-65 A-2 ZONE FOR UNINCORPORATED AREAS NOT OTHERWISE ZONED**

All the unincorporated area of the County of Butte not otherwise zoned by ordinance of the board of supervisors is hereby zoned as an A-2 district, as such district is defined and subject to the regulations contained in section 24-66 of this article.

**SECTION 24-66 RESERVED [formerly A-2]**

**SECTION 24-67 RESERVED**

#### **SECTION 24-68 RECYCLING FACILITIES**

- (a) Permits Required. No person shall permit the placement, construction or operation of any recycling facility without first obtaining a permit pursuant to the provisions set forth in this section. Recycling facilities may be permitted as set forth in the following table.

<u>Type of Facility</u>	<u>Zones Permitted</u>	<u>Permit Required</u>
Reverse Vending Machine(s)	All Commercial All Industrial	Administrative (or by right)
Small Collection	All Commercial All Industrial	Administrative
Large Collection	Light Commercial Other Commercial Industrial	Conditional Use Site Development Site Development
Light Processing	General Commercial All Industrial	Conditional Use
Heavy Processing	Light Industrial Heavy Industrial	Conditional Use Site Development

In addition to the permits described in the above table a reverse vending machine(s) or a small collection facility may also be allowed in special zones which allow uses permitted in commercial or industrial zones with an administrative or site development permit subject to the fee set by resolution of the board of supervisors.

- (b) Permits for Multiple Sites. A single administrative permit may be granted to allow more than one reverse vending machine(s) or small collection facility located on different sites under the following conditions:
- (1) The operator of each of the proposed facilities is the same;
  - (2) The proposed facilities are determined by the planning director to be similar in nature, size and intensity of activity; and
  - (3) All of the applicable criteria and standards set forth in section (b) are met for each such proposed facility.
- (c) Criteria and Standards. Those recycling facilities permitted with an administrative permit shall meet all of the applicable criteria and standards listed. Those recycling facilities permitted with a conditional use permit or site development permit shall meet the applicable criteria and standards, provided that the planning director, planning commission or board of supervisors, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this section and the purposes of this code.

The criteria and standards for recycling facilities are as follows:

- (1) Reverse Vending Machine(s). Reverse vending machine(s) located within a commercial structure do not require discretionary permits. Reverse vending machines do not require additional parking spaces for recycling customers and may be permitted in all commercial and industrial zones with an administrative use permit provided that they comply with the following standards:



- a. Shall be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes of the County of Butte;
  - b. Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
  - c. Shall not occupy parking spaces required by the primary use;
  - d. Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height;
  - e. Shall be constructed and maintained with durable waterproof and rustproof material;
  - f. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
  - g. Shall have a sign area or a maximum of four (4) square feet per machine, exclusive of operating instructions;
  - h. Shall be maintained in a clean, litter-free condition on a daily basis;
  - i. Operating hours shall be at least the operating hours of the host use;
  - j. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
- (2) Small Collection Facilities. Small collection facilities may be sited in commercial and industrial zones with an administrative permit provided they comply with the following conditions:
- a. Shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the County of Butte;
  - b. Shall be no larger than 500 square feet and occupy no more than five (5) parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
  - c. Shall be set back at least ten (10) feet from any right-of-way line and shall not obstruct pedestrian or vehicular circulation;
  - d. Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with permission of the local public health official;
  - e. Shall use no power-driven processing equipment except for reverse vending machines;

- f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
- g. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
- h. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- i. Shall not exceed noise levels of 60 dB as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed 70 dB;
- j. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
- k. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
- l. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
- m. Signs may be provided as follows:
  - 1. Recycling facilities may have identification signs with a maximum of 20 percent per side or 16 square feet, whichever is larger, in addition to informational signs required in section 2(1); in the case of a wheeled facility, the side will be measured from the pavement to the top of the container;
  - 2. Signs must be consistent with the character of the location.
  - 3. Directional signs, bearing no advertising message, may be installed with the approval of the planning director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way;
  - 4. The planning director or designated staff representative may authorize increases in the number and size of signs upon finding that it is compatible with adjacent businesses.

- n. The facility shall not impair the landscaping required by local ordinances for any concurrent use by this chapter or any permit issued pursuant thereto;
- o. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;
- p. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- q. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
  - 1. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
  - 2. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
  - 3. The permit will be reconsidered at the end of 18 months.

A reduction in available parking spaces in an established parking facility may then be allowed as follows:

For a commercial host use:



<u>Number of Available Parking Spaces</u>	<u>Maximum Reduction</u>
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

For a community facility host use: A maximum five (5) spaces reduction will be allowed when not in conflict with parking needs of the host use.

- r. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration.
- (3) Large Collection Facilities. A large collection facility is one that is larger than 500 square feet, or is on a separate property not appurtenant to a host use, and which may have a permanent building. A large collection facility is permitted in neighborhood and light commercial zones with a conditional use permit and in other commercial and industrial zones with a site development permit, provided the facility meets the following standards:
- a. Facility does not abut a property zoned or planned for residential use;
  - b. Facility will be screened from the public right-of-way by operating in an enclosed building or:
    - 1. Within an area enclosed by an opaque fence at least six (6) feet in height with landscaping;
    - 2. At least 250 feet from property zoned or planned for residential use; and
    - 3. Meets all applicable noise standards in this ordinance.
  - c. Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located;
  - d. All exterior storage of material shall be baled, palletized or in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage must be in containers approved by the Butte County Fire Department and Environmental Health Division. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
  - e. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
  - f. Space will be provided on site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where

the planning director determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding businesses and public safety;

- g. One (1) parking space will be provided for each commercial vehicle operated by the recycling facility. Parking requirements will be as provided for in the zone, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;
  - h. Noise levels shall not exceed 60 dB as measured at the property line of residentially zoned property, or otherwise shall not exceed 70 dB;
  - i. If the facility is located within 500 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;
  - j. Any containers provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;
  - k. Donation areas will be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;
  - l. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone; and directional signs, bearing no advertising message, may be installed with the approval of the planning director, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way;
  - m. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through a use permit process or at the discretion of the planning director if noise and other conditions are met.
- (4) Processing Facilities. A light processing facility is permitted in heavy commercial zones and light industrial zones with a conditional use permit. A large processor is permitted in light industrial zones with a conditional use permit. All processors are permitted in heavy industrial or manufacturing zones with a site development permit or according to the practice of the County of Butte for similar uses.

A processor will meet the following conditions:

- a. Facility does not abut a property zoned or planned for residential use;

- b. In a commercial or light industrial zone, processors will operate in a wholly enclosed building except for incidental storage; or:
  - 1. Within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all street frontages;
  - 2. Located at least 150 feet from property zoned or planned for residential use.
- c. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated materials and repairing of reusable materials;
- d. A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of two (2) outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers;
- e. A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code;
- f. Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located;
- g. All exterior storage of material shall be baled, palletized or in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage must be in containers approved by the Butte County Fire Department and Environmental Health Division. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
- h. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present;
- i. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the planning director determines that allowing overflow traffic is compatible with surrounding businesses and public safety;
- j. One (1) parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated by the zone in which the facility is located;



- k. Noise levels shall not exceed 60 dB as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed 70 dB;
- l. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on-site personnel during the hours the facility is open;
- m. Any containers provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials;
- n. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;
- o. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, the facility will be clearly marked with the name and phone number of the facility operator and the hours of operation;
- p. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties.

**SECTION 24-69 A-2 LTD. (LIMITED GENERAL) ZONE**

- (a) Uses permitted: The following uses are permitted within all parts of the district:
  - (1) One single-family dwelling per parcel and accessory buildings; and
  - (2) Agricultural uses and buildings.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Multiple-family dwellings, including duplexes;
  - (2) Commercial uses of land or buildings;
  - (3) Recreational vehicle parks;
  - (4) Campsites; and
  - (5) Public or quasi-public uses including schools, churches, public buildings and public utility buildings.

SECTION 24-70 RESERVED  
SECTION 24-71 RESERVED

**SECTION 24-72 A-5 (AGRICULTURAL) ZONES**

**(a) Uses permitted:**

- (1) One single-family dwelling per parcel;
- (2) General farming, horticulture, commercial livestock, poultry production, warehousing and storage;
- (3) Accessory buildings and uses pertinent to the permitted uses, including agricultural processing plants;
- (4) Housing facilities (including mobile homes) to accommodate only agricultural employees and their families employed by the owner or operator of the premises; and provided further that such housing facility shall be considered accessory to the main building and shall conform to the provisions pertaining to required yard and open space for dwellings;
- (5) Mobile homes to house one family when such mobile home is the only housing facility located on the premises, provided the following conditions are conformed to:
  - a. The floor area within the mobile home shall not be less than five hundred (500) square feet.
  - b. The parcel of land conforms to section 24-72(c) [minimum lot area of five (5) acres], or a smaller parcel of land lawfully created.

Board of Supervisors Discussion Item 88-272: Interpretation of the Butte County Code regarding private airstrips. It is the Board's policy that private airstrips/airports used for dusting and seeding in the agricultural zones (A-5 through A-160) are considered to be an accessory to agriculture (Code Section 24-21.1)

**(b) Uses requiring use permits:** The following uses are permitted subject to securing a use permit in each case:

- (1) Golf courses and country clubs;
- (2) Public or quasi-public uses including churches, firehouses, hospitals and clinics, parks and playgrounds, schools, public utility buildings;
- (3) Segregation of homesites, pursuant to the requirements of section 24-54;
- (4) Segregation of agricultural processing uses, pursuant to the requirements of section 24-55;
- (5) Mining, quarrying, commercial excavation and wood processing plants;
- (6) Public tasting rooms in conjunction with a winery, provided that such tasting room be considered accessory to the on-site winery.

Board of Supervisors Discussion Item 86-147: Private kennels require a use permit in the agricultural zones.

- (c) Minimum lot area required: The requirements of section 24-33 of this Code notwithstanding, the minimum lot area in A-5 zones shall not be less than five (5) acres.

SECTION 24-73 RESERVED

SECTION 24-74 RESERVED

#### SECTION 24-75 A-10 (AGRICULTURAL) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) General agricultural farming, horticulture, commercial livestock, poultry production, growing and harvesting forestry products, warehousing and storage;
- (3) Accessory buildings and uses pertinent to the permitted uses, including agricultural processing plants;
- (4) Housing facilities (including trailers) to accommodate only employees and their families employed by the owner or operator of the premises; and provided further that such housing facility shall be considered accessory to the main building and shall conform to the provisions pertaining to required yard and open space for dwellings;
- (5) Mining, quarrying, commercial excavation and wood processing plants;
- (6) Hunting and fishing camps, including those which accommodate recreational vehicles and travel trailers, providing that said recreational vehicles and travel trailers shall not be used for year-round occupancy.

Board of Supervisors Discussion Item 86-628: (Interpretation of code relating to fish farm with fishing pond open to the public, fish sales, 18-space RV park and eight campsites in an A-20 zone): The provisions for hunting and fishing camps in the A-10, -20, -40 and -160 zones were intended to apply to seasonal club activities and similar uses.

Board of Supervisors Discussion Item 88-272: Interpretation of the Butte County Code regarding private airstrips. It is the Board's policy that private airstrips/airports used for dusting and seeding in the agricultural zones (A-5 through A-160) are considered to be an accessory to agriculture (Code Section 24-21.1)

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:



- (1) Segregation of homesites, pursuant to the requirements of section 24-54;
- (2) Segregation of agricultural processing uses, pursuant to the requirements of section 24-55;
- (3) Public tasting rooms in conjunction with a winery, provided that such tasting room be considered accessory to the on-site winery.
- (4) Wood Lots.

Board of Supervisors Discussion Item 86-147: Private kennels require a use permit in the agricultural zones.

- (c) Minimum lot area required: Minimum lot area shall not be less than ten (10) acres.
- (d) Front yard setback: Minimum front yard setback shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirements shall be fifty-five (55) feet from the center line of the road.
- (e) Side and rear yard required: Minimum side and rear yard shall not be less than ten (10) feet.

#### SECTION 24-76 A-15 (AGRICULTURAL) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Section 24-35.1 through 24-35.3, inclusive, of this Code, and the growing and harvesting of forestry products;
- (3) Accessory buildings and uses pertinent to the permitted uses, including agricultural processing plants;
- (4) Housing facilities (including trailers) to accommodate only employees and their families employed by the owner or operator of the premises; and provided further that such housing facility shall be considered accessory to the main building and shall conform to the provisions pertaining to required yard and open space for dwellings;
- (5) Mining, quarrying, commercial excavation and wood processing plants;
- (6) Hunting and fishing camps, including those which accommodate recreational vehicles and travel trailers, providing that said recreational vehicles and travel trailers shall not be used for year-round occupancy.

Board of Supervisors Discussion Item 86-628: (Interpretation of code relating to fish farm with fishing pond open to the public, fish sales, 18-space RV park and eight campsites in an A-20 zone):

The provisions for hunting and fishing camps in the A-10, -20, -40 and -160 zones were intended to apply to seasonal club activities and similar uses.

Board of Supervisors Discussion Item 88-272: Interpretation of the Butte County Code regarding private airstrips. It is the Board's Policy that private airstrips/airports used for dusting and seeding in the agricultural zones (A-5 through A-160) are considered to be an accessory to agriculture (Code Section 24-21.1)

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Segregation of homesites, pursuant to the requirements of section 24-54;
  - (2) Segregation of agricultural processing uses, pursuant to the requirements of section 24-55;
  - (3) Public tasting rooms in conjunction with a winery, provided that such tasting room be considered accessory to the on-site winery.
  - (4) Wood Lots.

Board of Supervisors Discussion Item 86-147: Private kennels require a use permit in the agricultural zones.

- (c) Minimum lot area required: Minimum lot area shall not be less than fifteen (15) acres.
- (d) Front yard setback: Minimum front yard setback shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirements shall be fifty-five (55) feet from the center line of the road.
- (e) Side and rear yard required: Minimum side and rear yard shall not be less than ten (10) feet.

#### SECTION 24-77 RESERVED

#### SECTION 24-78 A-20 (AGRICULTURAL) ZONE

- (a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code, and the growing and harvesting of forestry products;
- (3) Accessory buildings and uses pertinent to the permitted uses, including agricultural processing plants;
- (4) Housing facilities (including trailers) to accommodate only employees and their families employed by the owner or operator of

the premises; and provided further that such housing facility shall be considered accessory to the main building and shall conform to the provisions pertaining to required yard and open space for dwellings;

- (5) Mining, quarrying, commercial excavation and wood processing plants for wood grown on-site.
- (6) Hunting and fishing camps, including those which accommodate recreational vehicles and travel trailers, providing that said recreational vehicles and travel trailers shall not be used for year-round occupancy.

Board of Supervisors Discussion Item 86-64: Sewage treatment ponds are not an allowable use in the A-20 zone.

Board of Supervisors Discussion Item 86-628: (Interpretation of code relating to fish farm with fishing pond open to the public, fish sales, 18-space RV park and eight campsites in an A-20 Zone): The provisions for hunting and fishing camps in the A-10, -20, -40 and -160 zones were intended to apply to seasonal club activities and similar uses.

Board of Supervisors Discussion Item 88-272: Interpretation of the Butte County Code regarding private airstrips. It is the Board's policy that private airstrips/airports used for dusting and seeding in the agricultural zones (A-5 through A-160) are considered to be an accessory to agriculture (Code Section 24-21.1)

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Segregation of homesites, pursuant to the requirements of section 24-54;
  - (2) Segregation of agricultural processing uses, pursuant to the requirements of section 24-55;
  - (3) Public tasting rooms in conjunction with a winery, provided that such tasting room be considered accessory to the on-site winery.
  - (4) Wood Lots.

Board of Supervisors Discussion Item 86-147: Private kennels require a use permit in the agricultural zones.

- (c) Minimum lot area required: Minimum lot area shall not be less than twenty (20) acres.
- (d) Front yard setback: Minimum front yard setback shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirements shall be fifty-five (55) feet from the center line of the road.
- (e) Side and rear yard required: Minimum side and rear yard shall not be less than twenty-five (25) feet.



SECTION 24-79 RESERVED  
SECTION 24-80 RESERVED

**SECTION 24-81 A-40 (AGRICULTURAL) ZONE**

**(a) Uses permitted:**

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Section 24-35.1 through 24-53.3, inclusive, of this Code, and the growing and harvesting of forestry products;
- (3) Accessory buildings and uses pertinent to the permitted uses, including agricultural processing plants;
- (4) Housing facilities (including trailers) to accommodate only employees and their families employed by the owner or operator of the premises; and provided further that such housing facility shall be considered accessory to the main building and shall conform to the provisions pertaining to required yard and open space for dwellings;
- (5) Mining, quarrying, commercial excavation and wood processing plants for wood grown on-site.
- (6) Hunting and fishing camps, including those which accommodate recreational vehicles and travel trailers, provided that said recreational vehicles and travel trailers shall not be used for year-round occupancy.

Board of Supervisors Discussion Item 86-510: Interpretation: Sewage treatment ponds are not allowed in the A-40 zone.

Board of Supervisors Discussion Item 86-628: (Interpretation of code relating to fish farm with fishing pond open to the public, fish sales, 18-space RV park and eight campsites in an A-20 zone): The provisions for hunting and fishing camps in the A-10, -20, -40 and -160 zones were intended to apply to seasonal club activities and similar uses.

Board of Supervisors Discussion Item 87-202: Interpretation regarding an accessory use to agriculture: Selling fuel to a government entity conforms to the zoning.

Board of Supervisors Discussion Item 88-272: Interpretation of the Butte County Code regarding private airstrips. It is the Board's policy that private airstrips/airports used for dusting and seeding in the agricultural zones (A-5 through A-160) are considered to be an accessory to agriculture (Code Section 24-21.1)

**(b) Uses requiring use permits:** The following uses are permitted subject to securing a use permit in each case:

- (1) Segregation of homesites, pursuant to the requirements of section 24-54;

- (2) Segregation of agricultural processing uses, pursuant to the requirements of section 24-55;
- (3) Public tasting rooms in conjunction with a winery, provided that such tasting room be considered accessory to the on-site winery.
- (4) Wood Lots.

Board of Supervisors Discussion Item 86-147: Private kennels require a use permit in the agricultural zones.

- (c) Minimum lot area required: Minimum lot area shall not be less than forty (40) acres.
- (d) Front yard setback: Minimum front yard setback shall be fifty (50) feet from the center line of the road, except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirements shall be fifty-five (55) feet from the center line of the road.
- (e) Side and rear yard required: Minimum side and rear yard shall not be less than twenty-five (25) feet.

SECTION 24-82 RESERVED

SECTION 24-83 RESERVED

#### SECTION 24-84 A-160 (AGRICULTURAL) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel;
- (2) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code, and the growing and harvesting of forestry products;
- (3) Accessory buildings and uses pertinent to the permitted uses, including agricultural processing plants;
- (4) Housing facilities (including trailers) to accommodate only employees and their families employed by the owner or operator of the premises; and provided further that such housing facility shall be considered accessory to the main building and shall conform to the provisions pertaining to required yard and open space for dwellings;
- (5) Mining, quarrying, commercial excavation and wood processing plants for wood grown on-site.
- (6) Hunting and fishing camps, including those which accommodate recreational vehicles and travel trailers, providing that said recreational vehicles and travel trailers shall not be used for year-round occupancy.

Board of Supervisors Discussion Item 86-628: (Interpretation of code relating to fish farm with fishing pond open to the public,

fish sales, 18-space RV park and eight campsites in an A-20 zone): The provisions for hunting and fishing camps in the A-10, -20, -40 and -160 zones were intended to apply to seasonal club activities and similar uses.

Board of Supervisors Discussion Item 88-272: Interpretation of the Butte County Code regarding private airstrips. It is the Board's policy that private airstrips/airports used for dusting and seeding in the agricultural zones (A-5 through A-160) are considered to be an accessory to agriculture (Code Section 24-21.1)

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Segregation of homesites, pursuant to the requirements of section 24-54;
  - (2) Segregation of agricultural processing uses, pursuant to the requirements of section 24-55;
  - (3) Public tasting rooms in conjunction with a winery, provided that such tasting room be considered accessory to the on-site winery.
  - (4) Wood Lots.

Board of Supervisors Discussion Item 86-147: Private kennels require a use permit in the agricultural zones.

- (c) Minimum lot area required: Minimum lot area shall not be less than one hundred sixty (160) acres.
- (d) Front yard requirement: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
- (e) Side and rear yard required: Minimum side and rear yard shall not be less than twenty-five (25) feet.

SECTION 24-85 RESERVED  
SECTION 24-86 RESERVED

#### SECTION 24-87 A-R (AGRICULTURAL-RESIDENTIAL) ZONE

- (a) Uses permitted:
- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
  - (2) Accessory buildings pertinent to permitted uses;
  - (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.



- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Duplex dwellings and multiple-family dwellings;
  - (2) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
  - (3) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
  - (4) Commercial poultry farming and livestock farming;
  - (5) Veterinary clinics, outpatient;
  - (6) Nurseries and plant gardens;
  - (7) Sales tract office.
- (c) Site requirements: The provisions of section 24-33 concerning site requirements shall apply.

**SECTION 24-87.1 AR-1/2 (AGRICULTURAL-RESIDENTIAL) ZONE**

- (a) Uses permitted:
- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
  - (2) Accessory buildings pertinent to the permitted uses;
  - (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Duplex dwellings and multiple-family dwellings;
  - (2) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
  - (3) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
  - (4) Commercial poultry farming and livestock farming;
  - (5) Veterinary clinics, outpatient;
  - (6) Nurseries and plant gardens.
- (c) Site requirements: Notwithstanding the provisions of section 24-33, the minimum lot size shall be not less than 1/2 acre.

**SECTION 24-87.2 AR-1 (AGRICULTURAL-RESIDENTIAL) ZONE**

**(a) Uses permitted:**

- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
- (2) Accessory buildings pertinent to the permitted uses;
- (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.

**(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:**

- (1) Duplex dwellings and multiple-family dwellings;
- (2) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
- (3) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools, public utility buildings;
- (4) Commercial poultry farming and livestock farming;
- (5) Veterinary clinics, outpatient;
- (6) Nurseries and plant gardens.

**(c) Lot area required: Minimum required area of a lot per dwelling unit shall be not less than one (1) acre.**

**(d) Lot width required: Minimum lot width shall not be less than one hundred thirty (130) feet.**

**(e) Front yard required: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of the road.**

**(f) Side and rear yard required: Minimum side and rear yard shall not be less than ten (10) feet.**

**SECTION 24-88 AR-2-1/2 (AGRICULTURAL-RESIDENTIAL) ZONE**

**(a) Uses permitted:**

- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
- (2) Accessory buildings pertinent to the permitted uses;

- (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Duplex dwellings and multiple-family dwellings;
  - (2) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
  - (3) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
  - (4) Commercial poultry farming and livestock farming;
  - (5) Veterinary clinics, outpatient;
  - (6) Nurseries and plant gardens.
- (c) Lot area required: Minimum required area of a lot per dwelling unit shall be not less than two and one-half (2-1/2) acres).
- (d) Lot width required: Minimum lot width shall not be less than one hundred thirty (130) feet.
- (e) Front yard required: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of the road.
- (f) Side and rear yard required: Minimum side and rear yard shall not be less than ten (10) feet.

SECTION 24-89 RESERVED

SECTION 24-90 AR-5 (AGRICULTURAL-RESIDENTIAL) ZONE

- (a) Uses permitted:
  - (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
  - (2) Accessory buildings pertinent to the permitted uses;
  - (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Duplex dwellings and multiple-family dwellings;



- (2) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
  - (3) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
  - (4) Commercial poultry farming and livestock farming;
  - (5) Veterinary clinics, outpatient;
  - (6) Nurseries and plant gardens.
- (c) Lot area required: Minimum required area of a lot per dwelling unit shall be not less than five (5) acres.
- (d) Lot width required: Minimum lot width shall not be less than one hundred thirty (130) feet.
- (e) Front yard required: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of the road.
- (f) Side and rear yard required: Minimum side and rear yard shall not be less than ten (10) feet.

#### SECTION 24-91 AR-10 (AGRICULTURAL-RESIDENTIAL) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
  - (2) Accessory buildings pertinent to the permitted uses;
  - (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Section 24-35.1 through 24-35.3, inclusive, of this Code.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Duplex dwellings and multiple-family dwellings;
  - (2) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
  - (3) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
  - (4) Commercial poultry farming and livestock farming;
  - (5) Veterinary clinics, outpatient;
  - (6) Nurseries and plant gardens.

- (c) Lot area required: Minimum required area of a lot per dwelling unit shall be not less than ten (10) acres.
- (d) Lot width required: Minimum lot width shall not be less than one hundred thirty (130) feet.
- (e) Front yard required: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of the road.
- (f) Side and rear yard required: Minimum side and rear yard shall not be less than ten (10) feet.

**SECTION 24-92 RESERVED**

**SECTION 24-93 AR-MH (AGRICULTURAL-RESIDENTIAL MOBILE HOME) ZONE**

(a) Uses permitted:

- (1) One single-family dwelling per parcel;
- (2) Mobile homes to house one family, when such mobile home is the only housing facility located on the premises, provided the following conditions are conformed to:
  - a. The gross area of the mobile home shall not be less than five hundred (500) square feet.
- (3) Accessory buildings pertinent to the permitted uses;
- (4) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Section 24-35.1 through 24.35.3, inclusive, of this Code.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Duplex dwellings and multiple-family dwellings;
- (2) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
- (3) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility districts;
- (4) Commercial poultry farming and livestock farming;
- (5) Veterinary clinics, outpatient;
- (6) Nurseries and plant gardens;
- (7) Sales tract office.

(c) Site requirements: The provisions of section 24-33 shall apply.

**SECTION 24-94 AR-MH-1 (AGRICULTURAL-RESIDENTIAL - MOBILE HOME) ZONE**

(a) Uses permitted:

- (1) One single-family dwelling per parcel;
- (2) Mobile homes to house one family, when such mobile home is the only housing facility located on the premises, provided the following conditions are conformed to:
  - a. The gross area of the mobile home shall not be less than five hundred (500) square feet.
- (3) Accessory buildings pertinent to the permitted uses;
- (4) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
- (2) Public and quasi-public uses, including churches, firehouses, hospitals, parks and playgrounds, schools and public utility districts;
- (3) Commercial poultry farming and livestock farming;
- (4) Veterinary clinics, outpatient;
- (5) Nurseries and plant gardens;
- (6) Sales tract office.

(c) Lot area required: Section 24-33 shall apply excepting lot width and lot area:

- (1) Minimum lot area per dwelling unit shall not be less than one (1) acre, the provisions of section 24-33 notwithstanding.
- (2) The minimum lot width shall not be less than one hundred thirty (130) feet, the provisions of section 24-33 notwithstanding.

**SECTION 24-95 AR-MH-2-1/2 (AGRICULTURAL-RESIDENTIAL - MOBILE HOME) ZONE**

(a) Uses permitted:

- (1) One single-family dwelling per parcel;
- (2) Mobile homes to house one family, when such mobile home is the only housing facility located on the premises, provided the following conditions are conformed to:
  - a. The gross area of the mobile home shall not be less than five hundred (500) square feet.



- (3) Accessory buildings pertinent to the permitted uses;
- (4) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
  - (2) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
  - (3) Livestock farming;
  - (4) Veterinary clinics, outpatient;
  - (5) Nurseries and plant gardens;
  - (6) Sales tract office.
- (c) Lot area required: Minimum required area of a lot per dwelling unit shall be not less than two and one-half (2-1/2) acres.
- (d) Lot width required: Minimum lot width shall be not less than one hundred thirty (130) feet.
- (e) Front yard required: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of the road.
- (f) Side and rear yard required: Minimum side and rear yard shall not be less than ten (10) feet.

**SECTION 24-96 AR-MH-3 (AGRICULTURAL-RESIDENTIAL - MOBILE HOME) ZONE**

- (a) Uses permitted:
  - (1) One single-family dwelling per parcel;
  - (2) Mobile homes to house one family, when such mobile home is the only housing facility located on the premises, provided the following conditions are conformed to:
    - a. The gross area of the mobile home shall not be less than five hundred (500) square feet.
  - (3) Accessory buildings pertinent to the permitted uses;
  - (4) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;
  - (2) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
  - (3) Livestock farming;
  - (4) Veterinary clinics, outpatient;
  - (5) Nurseries and plant gardens;
  - (6) Sales tract office.
- (c) Lot area required: Minimum required area of a lot per dwelling unit shall be not less than three (3) acres.
- (d) Lot width required: Minimum lot width shall be not less than one hundred thirty (130) feet.
- (e) Front yard required: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirements shall be fifty-five (55) feet from the center line of the road.
- (f) Side and rear yard required: Minimum side and rear yard shall not be less than ten (10) feet.

**SECTION 24-97 AR-MH-5 (AGRICULTURAL-RESIDENTIAL - MOBILE HOME) ZONE**

- (a) Uses permitted:
- (1) One single-family dwelling per parcel;
  - (2) Mobile homes to house one family, when such mobile home is the only housing facility located on the premises, provided the following conditions are conformed to:
    - a. The gross area of the mobile home shall not be less than five hundred (500) square feet.
  - (3) Accessory buildings pertinent to the permitted uses;
  - (4) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Golf courses, country clubs, if permitted, would permit accessory uses such as driving range, pro shop, cocktail bar, restaurant;

- (2) Public and quasi-public uses, including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
  - (3) Livestock farming;
  - (4) Veterinary clinics, outpatient;
  - (5) Nurseries and plant gardens;
  - (6) Sales tract office.
- (c) Lot area required: Minimum required area of a lot per dwelling unit shall be not less than five (5) acres.
  - (d) Lot width required: Minimum lot width shall be not less than one hundred thirty (130) feet.
  - (e) Front yard required: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirements shall be fifty-five (55) feet from the center line of the road.
  - (f) Side and rear yard required: Minimum side and rear yard shall not be less than ten (10) feet.

#### SECTION 24-98 RESERVED

#### SECTION 24-99 A-SR (AGRICULTURAL - SUBURBAN RESIDENTIAL) ZONE

- (a) Uses permitted:
  - (1) One single-family dwelling per parcel, not including tents or mobile homes;
  - (2) Accessory buildings pertinent to the permitted uses;
  - (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Public and quasi-public uses, including churches, hospitals, parks and playgrounds, schools and public utility buildings;
  - (2) Nurseries and plant gardens;
  - (3) Sales tract office.
- (c) Lot area: Minimum required area of lot per dwelling unit shall be not less than eight thousand one hundred twenty-five (8,125) square feet.
- (d) Lot width: Minimum lot width shall be not less than sixty-five (65) feet.



- (e) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
- (f) Side and rear yard required: Minimum side and rear yard shall not be less than five (5) feet.

SECTION 24-100 RESERVED

## **SECTION 24-101 A-Z (Airport Zone)**

### **Section 24-101.1 Purpose**

It is hereby declared that the purpose and intent of this ordinance is to further the public interest and aeronautical progress by providing protection, promotion, and development of aeronautics so as to grant to the Planning Commission such powers and impose upon it such duties that the Commission may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property associated with aeronautic activities and land uses; and by providing for cooperation with federal and state system of civil aviation and for coordination of aeronautical activities of those authorities by eliminating costly and unnecessary land use regulations and eliminating costly and unnecessary land use regulations and controls.

**Section 24-101.2** For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) The term "aeronautics" means the art and science of flight of aircraft of all types; aviation; the operation, navigation, maintenance, construction of aircraft and all component parts thereof; and includes air navigation aids, such as lighting, markings, radio, ground to aircraft, aircraft to ground, aircraft to aircraft, and related communications; navigation and piloting; and air crew and air passenger facilities; and also includes airports and airstrips and the design, construction, repair or maintenance of all or any part thereof and improvements thereto; and the dissemination of information and instruction pertaining to all of the foregoing.
- (b) The term "airport" means any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.
- (c) The term "aircraft" means any contrivance now known or hereafter invented which is intended, used or designed for flight in the air.
- (d) The term "compatible land use" means a use of land that does not endanger the health, safety, or welfare of the owners, occupants, or users of the land because of levels of noise or vibrations or because of the risk of personal injury or property damage created by the operations of the airport, including the taking off and landing of aircraft.

### **Section 24-101.3 Uses Permitted.**

All activities and land uses which because of their direct relationship to the operation of an aircraft can appropriately be regarded as an "Aeronautical Activity" which include the following:

1. One caretaker residential dwelling.
2. Unscheduled air carrier and facilities.
3. Charter operations.
4. Pilot training.
5. Aircraft rental and sightseeing.
6. Aerial photography.
7. Aerial advertising and surveying.
8. Aircraft sales and service.
9. Aircraft storage.

10. Sale of aviation petroleum products. Storage and dispensing must meet Environmental Health, California Department of Forestry (CDF), and Vehicle Code requirements.
11. Aircraft repair, restoration, and maintenance.
12. Sale of aircraft parts.
13. Unscheduled air cargo carriers.
14. Pilot lounges and airport offices.
15. Blast fences.
16. Runways, aprons, taxiway, navigational aids, obstruction lights except as related to expansion of the operation or lengthening of runways.
17. Airport support facilities including, but not limited to, public buildings, FAA control tower, hangers, fire training facilities, and flight service station.
18. Airport parking facilities.
19. Communication equipment and facilities associated with airport operations.
20. Rental car operations and facilities.

#### **Section 24-101.4 Uses requiring Use Permits.**

The following uses are permitted subject to first securing a use permit in each case:

1. Commercial and Professional Offices.
2. Retail commercial.
3. Restaurants, hotels, motels, barber shops, recreational facilities and any other commodities, services or accommodations made available to the general public.
4. Utility buildings not directly associated with aeronautical activities.
5. Banking service centers.
6. Manufacturing and light industrial.
7. Warehousing, mini storage, and distribution facilities.
8. Other compatible land uses as approved by the Planning Commission.
9. Crop dusting.
10. Aircraft development and research.
11. Bus terminals, ramps, shelters, and other buildings associated with transit and taxi services.
12. Baggage claim facilities.
13. Scheduled air carriers and facilities.
14. Scheduled air cargo carriers and facilities.

#### **Section 24-101.5 Development Standards.**

Unless otherwise specified in an approved Use Permit the following minimum development standards shall be as follows:

1. Operating Performance Standards. Performance standards prohibiting nuisance on account of fire, noise, vibration, shock, explosives, heat, glare, smoke, dust, odor, wastes, electronic interferences and the like shall apply to all conditional uses.
2. Lighting. The design and location of exterior lighting should be required to comply in all respects to standards established by the Federal Aviation Administration, or the California Department of Transportation, Division of Aeronautics with respect to height, type, and placement of lighting standards on the airport.
3. Signs. Signs shall be limited to those identifying uses conducted on the airport site. Outdoor advertising signs, billboards, or flashing lighting signs shall be prohibited within the airport



zone.

4. Automobile Parking. All automobile parking shall be required to be off street. Off-street parking provisions of Butte County Code Section 24-35 shall apply. All off-street parking areas shall be paved.
5. Building and Development Standards. All buildings shall be constructed and designed in such a manner to restrict the indoor noise levels to less than 45 decibels during aircraft operation.
6. Storage. All storage, except for automobiles and aircraft, shall be required to be within buildings or within enclosures. Storage of aircraft parts, service equipment, or similar items shall be expressly prohibited outside the buildings or storage enclosure.
7. Minimum Zoning Requirements for Airport Zones. Proposed sites for Airport Zoning where no airport is in existence shall demonstrate it can meet all the permitting requirements of the California Department of Transportation, Division of Aeronautics.

SECTION 24-102 C-1 (LIGHT COMMERCIAL) ZONE

(a) Uses permitted:

- (1) Dwellings and dwelling groups, subject to the building area, lot width and yard requirements specified for residential districts;
- (2) Hotels and motels, clubs, lodge halls, hospitals, sanitariums and clinics;
- (3) Retail stores and shops of light commercial character and conducted within a building, including appliance stores, banks, barbershops, beauty parlors, bookstores, cleaner or laundry agents and launderettes, dress shops, drugstores, food stores, furniture stores, millinery shops, professional offices, restaurants, shoe shops, storage garages, studios and tailor shops, public utility commercial offices, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;
- (4) Outdoor advertising signs, new automobile sales and theaters.

Board of Supervisors Discussion Item 83-566: In the C-1 and C-2 districts, "theater" and "amphitheater" have the same meaning.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Automobile courts and mobile home parks;
- (2) Public and quasi-public uses, including churches;
- (3) Small animal hospitals, dance academies, pet shops, mortuaries, used car sales, used or secondhand goods, refreshment stands, service stations, drive-in restaurants and other uses which are of similar character;
- (4) Recycling facilities as per section 24-68.

(c) Site requirements: The requirements of section 24-33 of this Code are modified in the following particulars for building sites in C-1 zones:

- (1) Lot width required: Minimum lot width shall not be less than twenty-five (25) feet.

The lot width requirements for residential dwellings shall conform to the requirements for any residential zone.

- (2) Side yard requirements: None, except when the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall not be less than five (5) feet; and except where the side yard on the street side of a corner lot abuts on an R district, in which case the side yard on the street side shall be one-half the front yard required in such R districts.

The side yard requirements for residential dwellings shall conform to the requirements for any residential zone.

- (3) Rear yard: None, except where the rear yard abuts an R district, in which case the rear yard shall be not less than five (5) feet.

SECTION 24-103 RESERVED  
SECTION 24-104 RESERVED

**SECTION 24-105 C-2 (GENERAL COMMERCIAL) ZONE**

(a) Uses permitted:

- (1) Dwellings and dwelling groups, subject to the building site area, lot width and yard requirements specified for residential districts.
- (2) All uses permitted in C-1 (Light Commercial) Districts.
- (3) General commercial uses, including art shops, aviaries, bars and cocktail lounges, billiard parlors and pool halls, bowling alleys, building material (retail), cleaning and pressing establishments, dance halls, interior decorating shops, employment agencies, governmental legislative buildings, gymnasiums, public, commercial or physical cultural studios, hospitals, hotels and motels, laboratories and X-ray facilities, massage parlors and reducing salons, equipment rentals, pet shops, used car lots, repair garages, auto car washes, plumbing shops, cabinet shops, sign manufacturing shops, drive-in restaurants and other retail establishments when interpreted as similar.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Welding shops;
- (2) Manufacturing of clothing, handicraft products, printing, lithographing and other light manufacturing or industrial uses of similar character;
- (3) Public or quasi-public uses, including churches;
- (4) Service stations, kennels and small animal hospitals and mortuaries;
- (5) Recycling facilities as per section 24-68.

(c) Site requirements: The requirements of section 24-33 of this Code are modified for all building sites in C-2 zones in the following particulars:

- (1) Lot width required: Minimum lot width shall not be less than twenty-five (25) feet. The lot width requirements for residential dwellings shall conform to the requirements for any residential zone.
- (2) Side yard requirements: None, except where the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall not be less than five (5) feet; and except where the side yard on the street side of a corner lot abuts on an R district, in which case the side yard on the street side shall be one-half the front yard required in such R districts. The side yard requirements for residential dwellings shall conform to the requirements for any residential zone.



- (3) Rear yard required: None, except where the rear yard abuts an R district, in which case the rear yard shall be not less than five (5) feet.

SECTION 24-106 RESERVED  
SECTION 24-107 RESERVED

**SECTION 24-108 C-C (COMMUNITY COMMERCIAL) ZONE**

- (a) Purpose: The purpose of the community commercial (C-C) zone is to provide a wide range of facilities for the sale of goods and provision of personal services. When applied to shopping areas, the uses are generally conducted within a building, and may range in size from neighborhood centers, which may have a supermarket as a principal tenant, to a commercial center, which may also include a department or variety store as a principal tenant. When applied to commercial areas of town centers or other existing places with similar activities, the uses may be broadened to include outdoor retail uses, such as auto sales.

- (b) Uses permitted within buildings.

The following uses are permitted in the C-C zone:

- (1) Retail stores and shops of a light commercial character including appliance stores, banks or other financial institution that provides a direct service to the public, insurance or real estate sales, barbershops, beauty parlors, bookstores, dry cleaning, laundry or laundromat, dress shops, drugstores, market or grocery stores, furniture stores, millinery shops, standard restaurants which may serve alcoholic beverages with meals, refreshment stands, service stations, auto lube facilities and auto wash facilities, studios, tailor shops; business, professional or medical office; medical, dental or optical laboratory; blueprinting, photocopying or lithography store; nursery or garden supply; travel or ticket agency; repair shops for shoes, radios, televisions or other domestic appliances; and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located.
- (2) Hotels, motels, health clubs, service clubs and lodge halls, hospitals, sanitariums.

- (c) Uses requiring a use permit.

- (1) Multiple dwellings and dwelling groups, subject to the height limit, building site area (3,250 square feet per unit), average lot width and yard requirements specified in the R-3 zone.
- (2) One single-family residence per parcel or a single-family residence, when attached to the main building in which the commercial use exists, and the residence is inhabited by the owner or operator of the commercial use. Any permit required for the commercial use must first be secured.
- (3) Mobile Home Parks not to exceed ten (10) dwelling units per acre.
- (4) Public and quasi-public uses.
- (5) Small Animal Hospitals (indoor kennels only).

- (6) Sales of new or used autos, boats or motorcycles, dancing academies or halls, open-air retail sales, theaters, bowling alleys, skating rinks, pet shops, wholesale stores, mini-storage facilities, mortuaries, used or secondhand goods, and other uses which are of similar character.
- (7) Recycling facilities as per section 24-68.

(d) Site development standards.

The following development standards shall apply to all development in the C-C zone, except that specific standards may be modified by use permit if the approving body finds that the modification is necessary to provide a superior project design over what would ordinarily occur with the basic standards and that the modified project fits harmoniously with the surrounding area.

- (1) Maximum Structural Height: Forty-five (45) feet.
- (2) Minimum Building Site Area: 10,000 square feet.
- (3) Minimum Lot Width: The minimum lot width is twenty-five (25) feet.
- (4) Minimum Front Yard Required: Twenty (20) feet for all buildings or structures except that off-street parking areas shall have a minimum of ten (10) feet.
- (5) Minimum Side Yard Required: None, except where the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall be not less than the side yard required for the R zone. The street side of a corner lot shall have a twenty (20) feet setback for all buildings or structures except that off-street parking areas shall have a minimum of ten (10) feet.
- (6) Minimum Rear Yard Required: None, except that it shall be twenty (20) feet when adjacent to "R" or "SR" zones.
- (7) Parking Required: Off-Street parking and loading shall be provided in conformance with the provisions of Section 24-35, said parking areas shall be paved and striped to County Standards.
- (8) Landscaping: Landscaping requirements shall be provided in conformance with the provisions of Section 24-35.
- (9) Outdoor Lighting Required: All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that it constitutes a hazard to vehicular traffic, either on private property or on abutting streets.
- (10) Signs: Building signs shall not exceed a combined size of one square foot in area for each lineal foot of building frontage.
- (11) Outdoor Trash Storage: All outdoor trash storage and collection facilities shall be enclosed by a solid masonry wall or view-obscuring fence at least one foot higher than the trash container.

(12) Zone Walls: Where a commercial use adjoins a residential zone or use, the following shall apply:

- (a) Install and maintain a sound-deadening wall (such as slumpstone) of six (6) to eight (8) feet in height or a planted berm six (6) feet in height or a combination wall and berm on any exterior boundary line which is a common property line with any residential zoning district.
- (b) The wall shall not exceed three (3) feet in height within twenty (20) feet of the right-of-way.
- (c) Where a topographic, natural vegetative barrier or a grade differential exists between the two properties or if there is a significant distance between the uses that will provide the same buffering, exceptions to the wall or berm regulations may be made, in whole or in part with review and approval by the Planning Director.

(13) Noise: Noise generated by the commercial use shall be restricted to sixty (60) decibels (db) at the common property line for a period of six (6) hours per day with no noise exceeding eighty (80) decibels.

SECTION 24-109 RESERVED  
SECTION 24-110 RESERVED

#### SECTION 24-111 C-F (COMMERCIAL FORESTRY) ZONE

(a) Uses permitted:

- (1) Management of land and forests for the growth, harvest, and production of trees;
- (2) Management of land and forests to protect them from fire, insects, disease or other such calamities;
- (3) Logging, construction and use of equipment, installations and improvements necessary for removal of trees, logs and forest products;
- (4) Portable wood processing operations and accessory improvements;
- (5) Uses of natural resources wholly compatible with forestry operations including livestock grazing, beekeeping, prospecting and similar uses;
- (6) Recreational uses not requiring permanent improvements and not interfering materially with forestry operations, including hunting, fishing, camping, hiking, riding and similar uses.

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

(b) Uses requiring use permits:

- (1) Permanent residential quarters for persons employed on the premises;
- (2) Other uses customary and incidental to forestry operations, including permanent wood processing installations;



- (3) Development and use of water and mineral resources for other than forestry operations.
- (c) Area requirements: Minimum lot area is one hundred sixty (160) acres.
- (d) Building setback: New buildings or permanent structures shall be located no less than fifty (50) feet from the center line of public roads or access easements, except that where the road is classified by the county as a Federal Aid Secondary Road the minimum building setback shall be fifty-five (55) feet.

**SECTION 24-112.1 FR-1 (FOOTHILL RECREATIONAL) ZONE**

(a) Uses permitted:

- (1) Single-family dwellings, including mobile homes;
- (2) Agricultural uses:
  - a. Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish, worms and frogs;
  - b. The keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
  - c. Raising and harvesting trees, fruit, grain, flowers, herbs and other plants and food crops;
  - d. Display and sale of agricultural goods products on the premises;
  - e. Necessary accessory uses, not including storage and processing of goods from nonadjacent land or land under different ownership;
- (3) Mining and excavating except as limited in (b)(1);
- (4) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural, experimental and study areas;
- (5) Pedestrian, equestrian and bicycle trails;
- (6) Agricultural and forestry experimental areas;
- (7) Home occupations:
  - a. Sale of arts and crafts, goods and services produced on the premises.
  - b. All home occupations shall be subject to the following conditions:
    - 1. Home occupations are considered to be accessory to the residential use and are permitted only when the proprietor resides on the premises;

2. Not more than one (1) employee or assistant may be engaged for work or service on the premises in connection with such uses;
  3. Advertising displays shall be limited to one (1) unlighted sign of not more than six (6) square feet of display area. Such sign shall not be located in any required yard.
- (8) Accessory uses and buildings customary and pertinent to permitted uses, including guest houses, barns, shops, garages, and storage areas.

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating plants of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Home occupations, mining and excavating which might be objectionable because of noise, odor, smoke, dust, bright light, vibration, pollution, traffic congestion, unsightly storage areas, materials or equipment, the handling of explosives or dangerous materials or the storage of one hundred (100) or more gallons of flammable fluids;
  - (2) Commercial kennels and animal hospitals on sites not less than five (5) acres;
  - (3) Private or commercial outdoor recreational facilities on sites not less than five (5) acres, including but not limited to golf courses, recreational clubs, riding academies and stables, hunting lodges, and camps, boat ramps, and campgrounds;
  - (4) Public and quasi-public uses, including schools, parks, museums, meeting halls, libraries and government offices.
  - (5) Public tasting rooms in conjunction with a winery on sites not less than five (5) acres, provided that such tasting room must be accessory to the on-site winery.
  - (6) Wood Lots.
- (c) Lot area: Minimum required area for a lot per residential dwelling unit shall not be less than one (1) acre for FR-1.
- (d) Lot width: Minimum required lot width shall not be less than two hundred twenty (220) feet; except when adjoining a major road or creek, the minimum frontage shall not be less than three hundred (300) feet.
- (e) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a federal aid secondary road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
- (f) Side yard: Minimum required side building setback shall be not less than five (5) feet for FR-1.
- (g) Rear yard: Minimum required rear building setback shall be not less than five (5) feet for FR-1.

SECTION 24-112.2 FR-2 (FOOTHILL RECREATIONAL) ZONE

(a) Uses permitted:

- (1) Single-family dwellings, including mobile homes;
- (2) Agricultural uses:
  - a. Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish, worms and frogs;
  - b. The keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of the Code.
  - c. Raising and harvesting trees, fruit, grain, flowers, herbs and other plants and food crops;
  - d. Display and sale of agricultural goods products on the premises;
  - e. Necessary accessory uses, not including storage and processing of goods from nonadjacent land or land under different ownership;
- (3) Mining and excavating except as limited in (b)(1);
- (4) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural, experimental and study areas;
- (5) Pedestrian, equestrian and bicycle trails;
- (6) Agricultural and forestry experimental areas;
- (7) Home occupations:
  - a. Sale of arts and crafts, goods and services produced on the premises.
  - b. All home occupations shall be subject to the following conditions:
    1. Home occupations are considered to be accessory to the residential use and are permitted only when the proprietor resides on the premises;
    2. Not more than one (1) employee or assistant may be engaged for work or service on the premises in connection with such uses;
    3. Advertising displays shall be limited to one (1) unlighted sign of not more than six (6) square feet of display area. Such sign shall not be located in any required yard.
- (8) Accessory uses and buildings customary and pertinent to permitted uses, including guest houses, barns, shops, garages, and storage areas.

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating plants of 5 megawatts or less.



(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Home occupations, mining and excavating which might be objectionable because of noise, odor, smoke, dust, bright light, vibration, pollution, traffic congestion, unsightly storage areas, materials or equipment, the handling of explosives or dangerous materials or the storage of one hundred (100) or more gallons of flammable fluids;
- (2) Commercial kennels and animal hospitals on sites not less than five (5) acres;
- (3) Private or commercial outdoor recreational facilities on sites not less than five (5) acres, including but not limited to golf courses, recreational clubs, riding academies and stables, hunting lodges, and camps, boat ramps, and campgrounds;
- (4) Public and quasi-public uses, including schools, parks, museums, meeting halls, libraries and government offices.
- (5) Public tasting rooms in conjunction with a winery on sites not less than five (5) acres; provided that such tasting room must be accessory to the on-site winery.
- (6) Wood Lots.

- (c) Lot area: Minimum required area for a lot per residential dwelling unit shall not be less than two (2) acres for FR-2.
- (d) Lot width: Minimum required lot width shall not be less than two hundred twenty (220) feet; except when adjoining a major road or creek, the minimum frontage shall not be less than three hundred (300) feet.
- (e) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a federal aid secondary road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
- (f) Side yard: Minimum required side building setback shall be not less than five (5) feet for FR-2.
- (g) Rear yard: Minimum required rear building setback shall be not less than five (5) feet for FR-2.

#### SECTION 24-112.3 FR-3 (FOOTHILL RECREATIONAL) ZONE

(a) Uses permitted:

- (1) Single-family dwellings, including mobile homes;
- (2) Agricultural uses:
  - a. Keeping and raising small animals for domestic use, including dogs, cats, and household pets, poultry and other birds, bees, fish, worms, and frogs;
  - b. Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.

- c. Raising and harvesting trees, fruit, grain, flowers, herbs and other plants and food crops;
  - d. Display and sale of agricultural goods produced on the premises;
  - e. Necessary accessory uses, not including storage and processing of goods from nonadjacent land or land under different ownership.
- (3) Mining and excavating, except as limited in (b)(1);
  - (4) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural, experimental and study areas;
  - (5) Pedestrian, equestrian and bicycle trails;
  - (6) Agricultural and forestry experimental areas;
  - (7) Home occupations:
    - a. Sale of arts and crafts, goods and services produced on the premises.
    - b. All home occupations shall be subject to the following conditions:
      - 1. Home occupations are considered to be accessory to the residential use and are permitted only when the proprietor resides on the premises;
      - 2. Not more than one (1) employee or assistant may be engaged for work or service on the premises in connection with such uses;
      - 3. Advertising displays shall be limited to one (1) unlighted sign of not more than six (6) square feet of display area. Such sign shall not be located in any required yard.
  - (8) Accessory uses and buildings customary and pertinent to permitted uses, including guest houses, barns, shops, garages, and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating plants of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Home occupations, mining and excavating which might be objectionable because of noise, odor, smoke, dust, bright light, vibration, pollution, traffic congestion, unsightly storage areas, materials or equipment, the handling of explosives or dangerous materials or the storage of one hundred (100) or more gallons of flammable fluids;
  - (2) Commercial kennels and animal hospitals on sites not less than five (5) acres;
  - (3) Private or commercial outdoor recreational facilities on site not less than five (5) acres, including but not limited to golf

courses, recreational clubs, riding academies and stables, hunting lodges, and camps, boat ramps, and campgrounds;

- (4) Public and quasi-public uses, including schools, parks, museums, meeting halls, libraries and government offices.
- (5) Public tasting rooms in conjunction with a winery on sites not less than five (5) acres, provided that such tasting room must be accessory to the on-site winery.
- (6) Wood Lots.
- (c) Lot area: Minimum required area for a lot per residential dwelling unit shall not be less than three (3) acres for FR-3.
- (d) Lot width: Minimum required lot width shall not be less than two hundred twenty (220) feet; except when adjoining a major road or creek, the minimum frontage shall not be less than three hundred (300) feet.
- (e) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
- (f) Side yard: Minimum required side building setback shall be not less than five (5) feet for FR-3.
- (g) Rear yard: Minimum required rear building setback shall be not less than five (5) feet for FR-3.

#### SECTION 24-112.4 FR-5 (FOOTHILL RECREATIONAL) ZONE

(a) Uses permitted:

- (1) Single-family dwellings, including mobile homes;
- (2) Agricultural uses:
  - a. Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish, worms and frogs;
  - b. The keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
  - c. Raising and harvesting trees, fruit, grain, flowers, herbs and other plants and food crops;
  - d. Display and sale of agricultural goods produced on the premises;
  - e. Necessary accessory uses, not including storage and processing of goods from nonadjacent land or land under different ownership.
- (3) Mining and excavating except as limited in (b)(1);



- (4) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural, experimental and study areas;
- (5) Pedestrian, equestrian and bicycle trails;
- (6) Agricultural and forestry experimental areas;
- (7) Home occupations:
  - a. Sale of arts and crafts, goods and services produced on the premises;
  - b. All home occupations shall be subject to the following conditions:
    - 1. Home occupations are considered to be accessory to the residential use and are permitted only when the proprietor resides on the premises;
    - 2. Not more than one (1) employee or assistant may be engaged for work or service on the premises in connection with such uses;
    - 3. Advertising displays shall be limited to one (1) unlighted sign of not more than six (6) square feet of display area. Such sign shall not be located in any required yard.
- (8) Accessory uses and buildings customary and pertinent to permitted uses, including guest houses, barns, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating plants of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Home occupations, mining and excavating which might be objectionable because of noise, odor, smoke, dust, bright light, vibration, pollution, traffic congestion, unsightly storage areas, materials or equipment, the handling of explosives or dangerous materials, or the storage of one hundred (100) or more gallons of flammable fluids;;
  - (2) Commercial kennels and animal hospitals on sites not less than five (5) acres;
  - (3) Private or commercial outdoor recreational facilities on sites not less than five (5) acres, including but not limited to golf courses, recreational clubs, riding academies and stables, hunting lodges, and camps, boat ramps, and campgrounds;
  - (4) Public and quasi-public uses, including schools, parks, museums, meeting halls, libraries and government offices.
  - (5) Public tasting rooms in conjunction with a winery on sites not less than five (5) acres, provided that such tasting room must be accessory to the on-site winery.
  - (6) Wood Lots.

- (c) Lot area: Minimum required area for a lot per residential dwelling unit shall not be less than five (5) acres for FR-5.
- (d) Lot width: Minimum required lot width shall not be less than two hundred twenty (220) feet; except when adjoining a major road or creek, the minimum frontage shall not be less than three hundred (300) feet.
- (e) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a federal aid secondary road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
- (f) Side yard: Minimum required side building setback shall be not less than ten (10) feet for FR-5.
- (g) Rear yard: Minimum required rear building setback shall be not less than ten (10) feet for FR-5.

#### SECTION 24-112.5 FR-10 (FOOTHILL RECREATIONAL) ZONE

(a) Uses permitted:

- (1) Single-family dwellings, including mobile homes.
- (2) Agricultural uses:
  - a. Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish, worms and frogs;
  - b. The keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
  - c. Raising and harvesting trees, fruit, grain, flowers, herbs and other plants and food crops;
  - d. Display and sale of agricultural goods produced on the premises;
  - e. Necessary accessory uses, not including storage and processing of goods from nonadjacent land or land under different ownership.
- (3) Mining and excavating except as limited in (b)(1);
- (4) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural, experimental and study areas;
- (5) Pedestrian, equestrian and bicycle trails;
- (6) Agricultural and forestry experimental areas;
- (7) Home occupations:
  - a. Sale of arts and crafts, goods and services produced on the premises;

b. All home occupations shall be subject to the following conditions:

1. Home occupations are considered to be accessory to the residential use and are permitted only when the proprietor resides on the premises;
  2. Not more than one (1) employee or assistant may be engaged for work or service on the premises in connection with such uses;
  3. Advertising displays shall be limited to one (1) unlighted sign of not more than six (6) square feet of display area. Such sign shall not be located in any required yard.
- (8) Accessory uses and buildings customary and pertinent to permitted uses, including guest houses, barns, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating plants of 5 megawatts or less.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Home occupations, mining and excavating which might be objectionable because of noise, odor, smoke, dust, bright light, vibration, pollution, traffic congestion, unsightly storage areas, materials or equipment, the handling of explosives or dangerous materials, or the storage of one hundred (100) or more gallons of flammable fluids;
  - (2) Commercial kennels and animal hospitals on sites not less than five (5) acres;
  - (3) Private or commercial outdoor recreational facilities on sites not less than five (5) acres, including but not limited to golf courses, recreational clubs, riding academies and stables, hunting lodges, and camps, boat ramps, and campgrounds;
  - (4) Public and quasi-public uses, including schools, parks, museums, meeting halls, libraries and government offices.
  - (5) Public tasting rooms in conjunction with a winery on sites not less than five (5) acres, provided that such tasting room must be accessory to the on-site winery.
  - (6) Wood Lots.
- (c) Lot area: Minimum required area for a lot per residential dwelling unit shall not be less than ten (10) acres for FR-10.
- (d) Lot width: Minimum required lot width shall not be less than two hundred twenty (220) feet; except when adjoining a major road or creek, the minimum frontage shall not be less than three hundred (300) feet.
- (e) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.



- (f) Side yard: Minimum required side building setback shall be not less than ten (10) feet for FR-10.
- (g) Rear yard: Minimum required rear building setback shall be not less than ten (10) feet for FR-10.

**SECTION 24-112.6 FR-20 (FOOTHILL RECREATIONAL) ZONE**

(a) Uses permitted:

- (1) Single-family dwellings, including mobile homes;
- (2) Agricultural uses:
  - a. Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish, worms, and frogs;
  - b. Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
  - c. Raising and harvesting trees, fruit, grain, flowers, herbs and other plants and food crops;
  - d. Display and sale of agricultural goods products on the premises;
  - e. Necessary accessory uses, not including storage and processing of goods from nonadjacent land or land under different ownership;
- (3) Mining and excavating except as limited in (b)(1);
- (4) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural, experimental and study areas;
- (5) Pedestrian, equestrian and bicycle trails;
- (6) Agricultural and forestry experimental areas;
- (7) Home occupations:
  - a. Sale of arts and crafts, goods and services produced on the premises;
  - b. All home occupations shall be subject to the following conditions:
    - 1. Home occupations are considered to be accessory to the residential use and are permitted only when the proprietor resides on the premises;
    - 2. Not more than one (1) employee or assistant may be engaged for work or service on the premises in connection with such uses;
    - 3. Advertising displays shall be limited to one (1) unlighted sign of not more than six (6) square feet of display area. Such sign shall not be located in any required yard.

- (8) Accessory uses and buildings customary and pertinent to permitted uses, including guest houses, barns, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating plants of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Home occupations, mining and excavating which might be objectionable because of noise, odor, smoke, dust, bright light, vibration, pollution, traffic congestion, unsightly storage areas, materials or equipment, the handling of explosives or dangerous materials, or the storage of one hundred (100) or more gallons of flammable fluids;
  - (2) Commercial kennels and animal hospitals on sites not less than five (5) acres;
  - (3) Private or commercial outdoor recreational facilities on sites not less than five (5) acres, including but not limited to golf courses, recreational clubs, riding academies and stables, hunting lodges, and camps, boat ramps, and campgrounds;
  - (4) Public and quasi-public uses, including schools, parks, museums, meeting halls, libraries, and government offices.
  - (5) Public tasting rooms in conjunction with a winery on sites not less than five (5) acres, provided that such tasting room must be accessory to the on-site winery.
  - (6) Wood Lots.
- (c) Lot area: Minimum required area for a lot per residential dwelling unit shall not be less than twenty (20) acres for FR-20.
- (d) Lot width: Minimum required lot width shall not be less than two hundred twenty (220) feet; except when adjoining a major road or creek, the minimum frontage shall not be less than three hundred (300) feet.
- (e) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
- (f) Side yard: Minimum required side building setback shall be not less than twenty-five (25) feet for FR-20.
- (g) Rear yard: Minimum required rear building setback shall be not less than fifty (50) feet for FR-20.

#### SECTION 24-112.7 FR-40 (FOOTHILL RECREATIONAL) ZONE

- (a) Uses permitted:

- (1) Single-family dwellings, including mobile homes;
- (2) Agricultural uses:

- a. Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish, worms and frogs;
  - b. The keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
  - c. Raising and harvesting trees, fruit, grain, flowers, herbs and other plants and food crops;
  - d. Display and sale of agricultural goods produced on the premises;
  - e. Necessary accessory uses, not including storage and processing of goods from nonadjacent land or land under different ownership.
- (3) Mining and excavating except as limited in (b)(1);
  - (4) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural, experimental and study areas;
  - (5) Pedestrian, equestrian and bicycle trails;
  - (6) Agricultural and forestry experimental areas;
  - (7) Home occupations:
    - a. Sale of arts and crafts, goods and services produced on the premises;
    - b. All home occupations shall be subject to the following conditions:
      - 1. Home occupations are considered to be accessory to the residential use and are permitted only when the proprietor resides on the premises;
      - 2. Not more than one (1) employee or assistant may be engaged for work or service on the premises in connection with such uses;
      - 3. Advertising displays shall be limited to one (1) unlighted sign of not more than six (6) square feet of display area. Such sign shall not be located in any required yard;
  - (8) Accessory uses and buildings customary and pertinent to permitted uses, including guest houses, barns, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Home occupations, mining and excavating which might be objectionable because of noise, odor, smoke, dust, bright light, vibration, pollution, traffic congestion, unsightly storage areas, materials or equipment, the handling of explosives or dangerous



materials, or the storage of one hundred (100) or more gallons of flammable fluids;

- (2) Commercial kennels and animal hospitals on sites not less than five (5) acres;
  - (3) Private or commercial outdoor recreational facilities on sites not less than five (5) acres, including but not limited to golf courses, recreational clubs, riding academies and stables, hunting lodges, and camps, boat ramps, and campgrounds;
  - (4) Public and quasi-public uses, including schools, parks, museums, meeting halls, libraries and government offices.
  - (5) Public tasting rooms in conjunction with a winery on sites not less than five (5) acres, provided that such tasting room must be accessory to the on-site winery.
  - (6) Wood Lots.
- (c) Lot area: Minimum required area for a lot per residential dwelling unit shall not be less than forty (40) acres for FR-40.
  - (d) Lot width: Minimum required lot width shall not be less than two hundred twenty (220) feet; except when adjoining a major road or creek, the minimum frontage shall not be less than three hundred (300) feet.
  - (e) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
  - (f) Side yard: Minimum required side building setback shall be not less than twenty-five (25) feet for FR-40.
  - (g) Rear yard: Minimum required rear building setback shall be not less than fifty (50) feet for FR-40.

#### SECTION 24-112.8 FR-160 (FOOTHILL RECREATIONAL) ZONE

- (a) Uses permitted:
  - (1) Single-family dwellings, including mobile homes;
  - (2) Agricultural uses:
    - a. Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish, worms and frogs;
    - b. The Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
    - c. Raising and harvesting trees, fruit, grain, flowers, herbs and other plants and food crops;
    - d. Display and sale of agricultural goods produced on the premises;

- e. Necessary accessory uses, not including storage and processing of goods from nonadjacent land or land under different ownership;
- (3) Mining and excavating except as limited in (b)(1);
- (4) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboreturns and natural, experimental and study areas;
- (5) Pedestrian, equestrian and bicycle trails;
- (6) Agricultural and forestry experimental areas;
- (7) Home occupations:
  - a. Sale of arts and crafts, goods and services produced on the premises;
  - b. All home occupations shall be subject to the following conditions:
    - 1. Home occupations are considered to be accessory to the residential use and are permitted only when the proprietor resides on the premises;
    - 2. Not more than one (1) employee or assistant may be engaged for work or service on the premises in connection with such uses;
    - 3. Advertising displays shall be limited to one (1) unlighted sign of not more than six (6) square feet of display area. Such sign shall not be located in any required yard.
- (8) Accessory uses and buildings customary and pertinent to permitted uses, including guest houses, barns, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Home occupations, mining and excavating which might be objectionable because of noise, odor, smoke, dust, bright light, vibration, pollution, traffic congestion, unsightly storage areas, materials or equipment, the handling of explosives or dangerous materials, or the storage of one hundred (100) or more gallons of flammable fluids;
  - (2) Commercial kennels and animal hospitals on sites not less than five (5) acres;
  - (3) Private or commercial outdoor recreational facilities on sites not less than five (5) acres, including but not limited to golf courses, recreational clubs, riding academies and stables, hunting lodges, and camps, boat ramps, and campgrounds;
  - (4) Public and quasi-public uses, including schools, parks, museums, meeting halls, libraries and government offices.

- (5) Public tasting rooms in conjunction with a winery on sites not less than five (5) acres, provided that such tasting room must be accessory to the on-site winery.
- (6) Wood Lots.
- (c) Lot area: Minimum required area for a lot per residential dwelling unit shall not be less than one hundred sixty (160) acres for TM-160.
- (d) Lot width: Minimum required lot width shall not be less than two hundred twenty (220) feet; except when adjoining a major road or creek, the minimum frontage shall not be less than three hundred (300) feet.
- (e) Front yard: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of said road.
- (f) Side yard: Minimum required side building setback shall be not less than twenty-five (25) feet for FR-160.
- (g) Rear yard: Minimum required rear building setback shall be not less than fifty (50) feet for FR-160.

#### SECTION 24-113 H-C (HIGHWAY COMMERCIAL) ZONE

- (a) Uses permitted:
  - (1) One single-family dwelling per parcel not including tents or trailers;
  - (2) Accessory buildings pertinent to the permitted uses.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Dwellings and dwelling groups, subject to the building area, lot width and yard requirements specified for residential districts;
  - (2) Hotels and motels, clubs, lodge halls, hospitals, sanitariums and clinics;
  - (3) Retail stores and shops of light commercial character and conducted within a building, including appliance stores, banks, barbershops, beauty parlors, bookstores, cleaner or laundry agents and laundrettes, dress shops, drugstores, food stores, furniture stores, millinery shops, professional offices, restaurants, shoe shops, storage garages, studios and tailor shops, public utility commercial offices, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;
  - (4) Outdoor advertising signs, new automobile sales and theaters;
  - (5) Automobile courts and mobile home parks;
  - (6) Public and quasi-public uses, including churches;
  - (7) Small animal hospitals, dance academies, pet shops, mortuaries, used car sales, used or secondhand goods, refreshment stands,



service stations, drive-in restaurants and other uses which are of similar character;

(8) Recycling facilities as per section 24-68.

(c) Site requirements: The requirements of section 24-33 of this Code are modified in the following particulars for building sites in B-C zones:

(1) Lot width required: Minimum lot width shall not be less than twenty-five (25) feet.

The lot width requirements for residential dwellings shall conform to the requirements for any residential zone.

(2) Side yard requirements: None, except when the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall not be less than five (5) feet; and except where the side yard on the street side of a corner lot abuts on an R district, in which case the side yard on the street side shall be one-half the front yard required in such R districts.

The side yard requirements for residential dwellings shall conform to the requirements for any residential zone.

(3) Rear yard requirements: Twelve (12) feet, or five (5) feet adjacent to any alley.

#### SECTION 24-113.5 L-I (LIMITED INDUSTRIAL) ZONE

(a) Uses permitted:

- (1) Storage and distribution of goods and materials, including wholesaling, warehouses, moving services, vehicle storage, mini-storage, delivery services and similar uses, but not including storage of flammables, explosives or materials which create dust, odors or fumes;
- (2) Off-site construction and maintenance services, including building, electrical, plumbing, heating, roofing, painting, landscaping, excavation and similar contractors and janitorial, fumigating, septic tank pumping, and similar services;
- (3) Assembly and light manufacturing uses which are not objectionable, obnoxious or offensive by reason of emission of noise, smoke, dust, odors, fumes, cinders, heat, bright lights, vibration, radiation, refuse matter or water-carried waste and which do not involve the handling of flammable, explosive or dangerous materials. Permitted uses include woodworking and cabinet shops; sheet metal work; printing, engraving and sign manufacture; and manufacture of clothing, handicrafts, tools, instruments, fixtures, parts and equipment from previously prepared materials; but do not include casting, milling, smelting, refining, weaving, rebuilding, recycling, brewing, bottling, canning, tanning, rendering or any chemical processing;
- (4) Public uses and utilities, not including recreation facilities, disposal sites, sewage treatment and power plants;
- (5) Residence of caretaker or proprietor;
- (6) Advertising signs.

Board of Supervisors Discussion Item 83-82: Body shops are a permitted use.

- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Quasi-public uses;
  - (2) Recycling facilities as per section 24-68.
- (c) Site requirements: The requirements of section 24-33 of this Code are modified for all building sites in "L-I" zones in the following particulars:
- (1) Lot area and width: There is no lot area minimum not lot width minimum except as may be required for the building and for off-street loading area and parking.
  - (2) Side yard: None, except where the side of a lot abuts a residential zone, in which case the side yard shall be not less than five (5) feet.
  - (3) Rear yard: None, except where the rear yard abuts a residential zone, in which case the rear yard shall be not less than five (5) feet.
  - (4) Truck loading and unloading space: Private off-street loading space for the handling of all goods, materials and equipment shall be provided. Such space shall be of sufficient area and of such design as to permit the parking and loading of vehicles without extending into any existing street beyond the curbline.
  - (5) Off-street parking space: The provisions of section 25-35 shall apply.
  - (6) Enclosure: All uses must be conducted entirely within an enclosed building or structure or within an area enclosed on all sides by a solid wall or fence at least six (6) feet in height or by a chain link fence at least six (6) feet in height with a six-foot planting buffer maintained in healthy condition, except that the provisions of section 10-9 shall apply to fences and walls within the required front yard and street setback area.

#### SECTION 24-114 M-1 (LIGHT INDUSTRIAL) ZONE

(a) Uses permitted:

- (1) Wholesale and storage warehouses;
- (2) The assembly and storage of goods, materials, liquids and equipment (except the storage of inflammable matter or explosives or materials which create dust, odors or fumes);
- (3) Feed storehouses and warehouses and fuel yards;
- (4) The manufacturing, processing, fabricating, assembling, refining, repairing, packaging and treatment of goods, materials and products by power (oil, gas or electric), including, by way of example and illustration, but not limited to, the manufacturing, fabrication and assembling of bathroom shower and patio partitions, enclosures and doors, windows and store fronts of

aluminum, plastic and fiberglass, or other suitable material, and the processing, finishing, polishing and anodizing of aluminum extrusions and castings, assaying, broom and brush manufacturing, die casting, dog pounds, draying, freighting or trucking yards or terminals, heavy equipment rental or sale, heating and ventilating service shops, jewelry manufacturing, lamp shade manufacturing, lumberyards, packaging plants, public utility service yards, truck repairing and overhauling and welding shops;

- (5) Dyeing and rug cleaning plants, veterinary hospitals and animal shelters and boarding kennels, cabinet and woodworking shops, construction and material yards;
- (6) Any use permitted in C-1 and C-2 zones.

Board of Supervisors Discussion Item 86-510: Sewage treatment ponds are not allowed in the M-1 Zone.

- (b) Uses requiring use permits: The following uses are permitted subject to the securing of a use permit in each case:

- (1) Any residential use;
- (2) Storage of inflammables;
- (3) Manufacturing of acids, explosives, fertilizer, glue, gypsum, lime, plaster of paris, pulp and paper, beet sugar, crushed rock, sand and gravel, cement, concrete and/or asphalt batching plants, concrete and clay products;
- (4) Industrial uses which might be objectionable by reason of emission of noise, offensive odor, smoke, dust, bright light, vibration or involving the handling of explosives or dangerous materials;
- (5) Junkyards and auto wrecking yards;
- (6) Recycling facilities as per section 24-68.

- (c) Site requirements: The requirements of section 24-33 of this Code are modified for all building sites in M-1 zones in the following particulars:

- (1) Lot area and width: There is no lot area minimum nor lot width minimum except as may be required for the building and for off-street loading area and parking.
- (2) Side yard: None, except where the side of a lot abuts an R district, in which case the side yard shall be not less than five (5) feet.
- (3) Rear yard: None, except where the rear yard abuts an R district, in which case the rear yard shall be not less than five (5) feet.
- (4) Truck loading and unloading space: Private off-street loading space for the handling of all goods, materials and equipment shall be provided. Such space shall be of sufficient area and of such design as to permit the parking and loading of vehicles without extending into any existing street beyond the curblin.
- (5) Off-street parking: One parking space for each three (3) employees or one parking space for each two thousand (2,000) square feet of gross floor space, whichever is greater.



SECTION 24-115 RESERVED  
SECTION 24-116 RESERVED

**SECTION 24-117 M-2 (HEAVY INDUSTRIAL) ZONE**

**(a) Uses permitted:**

- (1) Any uses permitted in M-1 districts;
- (2) Aircraft factories, manufacturing of asbestos, assaying, boiler works, breweries and distilleries, candle manufacturing, carbon manufacturing, cellulose materials manufacturing, chain and cable manufacturing, disinfectants manufacturing, dry kilns, emery cloth and sandpaper manufacturing, enameling, feed and cereal mills, foundries, freight terminals, galvanizing and lead plating, glass or glass product manufacturing, lampblack manufacturing, machinery manufacturing, soda and cleaning compound manufacturing, match manufacturing, metal fabrication, oilcloth or linoleum manufacturing, oxygen manufacturing, paint manufacturing, paper box manufacturing, petroleum distributing stations (wholesale or retail), plywood manufacturing, printing ink manufacturing, soap and soap compound manufacturing, starch, glucose or dextrine manufacturing, vegetable oil manufacturing, welding shops and sheet metal shops, wood planing mill or woodworking plants, yeast plants and other similar industrial enterprises or businesses similar in character to those enumerated when interpreted as similar by the planning commission;
- (3) Canneries, olive processing plants and other agricultural processing plants of similar nature;
- (4) Accessory uses and buildings permitted pertinent to any permitted use.

Board of Supervisors Discussion Item 89-289: Interpretation of Butte County Code Section 24-117, M-2 Zone, regarding Subsection (B) Uses requiring Use Permits. It is the Board's policy that the provisions of Code Section 24-117 Section (a) and Section (b) conflict regarding canneries and agricultural processing plants. Therefore, the Board determines; the canneries and other agricultural processing plants are permitted uses and do not require use permits.

**(b) Uses requiring use permits:** The following uses are permitted subject to the securing of a use permit in each case:

- (1) Any residential use;
- (2) Commercial distillation of bones, abattoirs, auction yards, commercial livestock feed yards, commercial millings, canneries, lumber and lumber processing, tanneries, fat rendering, garbage-fed commercial hog raising, food and agriculture product processing plants;
- (3) Storage of inflammables;
- (4) Dumping and disposal areas;
- (5) Manufacturing of acids, explosives, fertilizer, glue, gypsum, lime, plaster of paris, pulp and paper, beet sugar, crushed rock, sand and gravel, cement, concrete and/or asphalt batching plants, concrete and clay products;

- (6) Industrial uses which might be objectionable by reason of emission of noise, offensive odor, smoke, dust, bright light, vibration or involving the handling of explosives or dangerous materials;
  - (7) Junkyards and auto wrecking yards;
  - (8) Recycling facilities as per section 24-68.
- (c) Site requirements: The requirements of section 24-33 of this Code are modified for all building sites in M-2 zones in the following particulars:

- (1) Lot area and width: There is no lot area minimum nor lot width minimum except as may be required for the building and parking.
- (2) Side yard: None, except where the side of a lot abuts an R district, in which case the side yard shall be not less than five (5) feet.
- (3) Rear yard: None, except where the rear yard abuts an R district, in which case the rear yard shall be not less than five (5) feet.
- (4) Truck loading and unloading space: Private, off-street loading space for the handling of all goods, materials and equipment shall be provided. Such space shall be of sufficient area and of such design as to permit the parking and loading of vehicles without extending into any existing street beyond the curbline.
- (5) Off-street parking: One parking space for each three (3) employees, or one parking space for each two thousand (2,000) square feet of gross floor space, whichever is greater.

SECTION 24-118 RESERVED  
SECTION 24-119 RESERVED

#### SECTION 24-120 MHP (MOBILE HOME PARK) ZONE

- (a) Uses permitted: The following uses are permitted subject to securing an approval by the planning department of a master development plan:
  - (1) Principal uses:
    - a. Mobile homes containing not less than five hundred (500) square feet of gross area.
  - (2) Accessory uses: Subject to appropriate conditions, the following accessory uses may be approved, as a part of the master development plan, in any mobile home park:
    - a. Management office and maintenance equipment storage;
    - b. Coin-operated laundry and dry cleaning facilities, for residents only;
    - c. Vending machines, for residents only;
    - d. Noncommercial recreation, meeting halls, clubhouses, swimming pools, etc.;
    - e. Storage facilities, for residents only;
    - f. Chapel;
    - g. Car-washing facilities, for residents only;
    - h. Other uses which are clearly incidental and subordinate to the principal use.
- (b) Standards for mobile homes and accessory uses:
  - (1) Minimum site area: Ten (10) contiguous acres.



- (2) Maximum density: The density, determined by the master development plan approval, shall not exceed the following: Ten (10) mobile homes of seven hundred fifty (750) square feet in gross area per acre, or a combination thereof.
- (3) Prior to occupancy of the first mobile home, not less than fifty (50) mobile home lots shall be prepared and available for occupancy.
- (4) Parking requirements: The overall parking ratio shall be two (2) parking spaces (10' x 20') per mobile home lot. At least one parking space shall be provided on or immediately adjacent to each mobile home lot.
- (5) Building lines: All structures and mobile homes shall have a setback of at least twenty-five (25) feet from all property lines and any street or road right-of-way and adjoining the mobile home park. The setback area shall be landscaped and maintained as a buffer strip, and in all cases the setback area shall be in conformity with Butte County Code, Chapter 10, Article II.
- (6) Signs: Each mobile home park shall have a bulletin board for the listing of each mobile home site and the name of the occupant thereof. The bulletin board shall be located outside the office and shall be lighted at night.

Adequate signs and markings indicating directions, parking areas, recreation areas and street names shall be established and maintained in the mobile home park. Such signs shall not exceed six (6) square feet in area.

Signs or nameplates not exceeding two (2) square feet in area and displaying the name and address only of the occupant of the mobile home may be erected at each mobile home site.

Signs which identify or advertise the mobile home park may be erected if approved by the planning department in its action on the master development plan for the mobile home park. Such signs must be located on the premises and shall be not more than one hundred twenty (120) square feet in area. They shall not be animated or illuminated except by indirect nonflashing light.

- (7) Utilities: All utilities shall be installed underground.
- (c) Property development standards: The following development standards shall apply to the individual mobile home sites. Plans and elevations for the mobile home park shall be submitted along with other construction plans with the master development plan for a mobile home park, and shall be subject to review and change upon recommendation of the planning department
- (1) Mobile home site area: The mobile home sites in a mobile home park shall average three thousand (3,000) square feet in area, but no site shall be smaller than two thousand seven hundred (2,700) square feet.
  - (2) Mobile home site width: Each mobile home site designed for a single mobile home shall be of an average width of forty-two (42) feet. Sites designed for a double width or larger shall be of an average width of thirty (30) feet plus the width of the mobile home, unless it can be shown that adequate space for a patio, parking and side yards will be assured, despite a site of less

width.

- (3) Mobile home site frontage: Each mobile home site shall abut directly upon a mobile home park street for a minimum distance of thirty (30) feet.
- (4) Population density: Not more than one single-family mobile home may be placed on a mobile home site.
- (5) Landscaping: The following landscaping provisions shall apply in all mobile home parks:
  - a. All open spaces except driveways, parking areas, walkways, utility areas, improved decks, patios, or porches shall be maintained with landscaping.
- (d) Special development standards:
  - (1) Walls and fences: Walls and fences on individual mobile home sites shall not exceed two (2) feet in height. Walls or fences shall be erected around the perimeter of each mobile home park as may be required by the planning department. The height, construction and type of material for such perimeter walls or fences shall be as specified by the planning department.
  - (2) Mobile home park streets: Mobile home park streets shall be provided in such a pattern as to provide convenient traffic circulation within the mobile home park. They shall be constructed to the following standards:
    - a. All mobile home park streets shall have a width of not less than thirty (30) feet including curbs.
    - b. There shall be concrete rolled curbs on each side of the streets.
    - c. The mobile home park streets shall be paved in conformity to Butte County standards.
    - d. The mobile home park streets shall have adequate lighting.
    - e. Drainage facilities and encroachment to public roads shall be in conformity with the Butte County Department of Public Works standards.
- (e) Recreation areas: A central recreation area shall be established in each mobile home park created pursuant to the provisions of this article. The size of such area shall be at least two hundred (200) square feet per mobile home site. The recreation area may contain community clubhouses, swimming pools, shuffleboard courts and similar facilities. The planning department may permit decentralization of the recreational facilities in accordance with principles of good planning provided that the total recreation area meets the above-stated minimum size.
- (f) Mobile home park office: Every mobile home park shall include a permanent building for office use. Such building may include a single-family dwelling for the exclusive use of the owner or manager.
- (g) Laundry rooms: Every mobile home park shall have one or more laundry



rooms. Laundry drying lines shall not be permitted on any mobile home site.

- (h) Mail boxes provided: Each mobile home site shall be equipped with a receptacle for mail deliveries in accordance with acceptable standards of the United States Post Office Department.
- (i) Telephones: The mobile home park shall contain at least one public telephone for the use of park residents.
- (j) Storage areas: Areas used for storage of travel trailers, boats and other such items may be established in a mobile home park provided they are adequately screened from public view.
- (k) Utilities: All utility distribution facilities, including television antenna service lines serving individual mobile home sites shall be placed underground. The owner is responsible for complying with the requirements of this section and he shall make the necessary arrangements with each of the serving utilities for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts and other facilities necessary and appurtenant to such underground facilities shall be installed in conformance with specifications of the State of California Department of Housing and Community Development, Division of Building and Housing Standards.
- (l) Community television antenna: Individual rooftop or outdoor television antennas shall not be permitted in a mobile home park. One single television antenna for community service may be situated within the mobile home park.
- (m) Dogs and animals: Dogs and other household pets shall not be permitted to run at large in any mobile home park. Bird aviaries, poultry and other barnyard animals shall not be permitted in any mobile home park.
- (n) Transient spaces: Not more than ten (10) per cent of the mobile home sites may be used for transient mobile home sites. Sites reserved to transient mobile homes shall be so designated on the plans submitted with the master development plan. The site, yard and property development standards of this classification shall fully apply to sites reserved for transient mobile homes. Mobile homes which are smaller than specified in section 24-120(a)(1)a. may occupy such designated transient mobile home site for a period of up to ninety (90) days.

SECTION 24-121 RESERVED  
SECTION 24-122 RESERVED

SECTION 24-123 M-R (MOUNTAIN OR RECREATION SUBDIVISION - RESIDENTIAL) ZONE

(a) Uses permitted:

- (1) Agricultural and forestry experimental areas;
- (2) Arboretums;
- (3) Harvesting of wild crops, timber or such as marsh hay, ferns, moss and berries;
- (4) Mining;
- (5) Pedestrian and equestrian trails;



- (6) One single-family dwelling per parcel;
  - (7) One mobile home containing not less than five hundred (500) square feet of living area on an individual lot or site.
  - (8) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Golf courses, country clubs, together with accessory uses such as driving range, pro shop, cocktail lounge, restaurant;
  - (2) Public and quasi-public uses;
  - (3) Campgrounds, such as Boy Scout, Girl Scout, church, YMCA, or similar nonprofit enterprises, when located on sites of not less than five (5) acres;
  - (4) Hunting and fishing camps and gun clubs when located on sites of not less than five (5) acres;
  - (5) Logging, and the practice of forestry;
  - (6) Riding academies when located on sites of not less than five (5) acres (public stable would be commercial).
- (c) Site requirements: Notwithstanding the provisions of section 24-33 the following site requirements are established for lots within the M-R zone:
- (1) Minimum lot area: One-half acre.
  - (2) Minimum lot width required: Minimum lot width shall not be less than one hundred (100) feet as measured at a point midway in the depth of the lot.
  - (3) Required open space: No building or structure or use shall be located closer than ten (10) feet to any property line other than the front property line; and no building or structure or use shall be closer to the front property line than the distance required by section 24-33.

#### SECTION 24-124 RESERVED

#### SECTION 24-125 N-C (NEIGHBORHOOD COMMERCIAL) ZONE

- (a) Purpose: The purpose of the neighborhood commercial (N-C) zone is to provide a limited selection of retail convenience shopping and personal services within either walking distance or brief driving distance of residential areas. Buildings, structures, edifices, and uses shall be designed in such a manner as to blend architecturally with surrounding areas and shall be compatible and neighboring uses.
- (b) Uses permitted within buildings.

The following uses are permitted in the N-C zone if conducted within a building:

- (1) Market or grocery stores, drugstores, hardware stores, variety stores, jewelry stores, bookstores, barbershop, beauty salon, florist, confectionery store, dry cleaning, laundry or laundromat, locksmith, shoe repair and similar personal services.
- (2) Professional offices, such as insurance or real estate.
- (3) One single-family residence per parcel or a single-family residence, when attached to the main building in which the commercial use exists, and the residence is inhabited by the owner or operator of the commercial use. Any permit required for the commercial use must first be secured.

(c) Uses requiring a use permit.

- (1) Auto service station, self-serve and non-self-serve auto wash.
- (2) Restaurants and delicatessens which may serve alcoholic beverages with meals.
- (3) Recycling facilities as per section 24-68.

(d) Site development standards.

The following development standards shall apply to all development in the N-C zone, except that specific standards may be modified by use permit if the approving body finds that the modification is necessary to provide a superior project design over what would ordinarily occur with the basic standards and that the modified project fits harmoniously with the surrounding area.

- (1) Maximum Structural Height: Forty (40) feet.
- (2) Minimum Building Site Area: 10,000 square feet.
- (3) Minimum Lot Width: The minimum lot width is twenty-five (25) feet.
- (4) Minimum Front Yard Required: Twenty (20) feet for all buildings or structures except that off-street parking areas shall have a minimum of ten (10) feet.
- (5) Minimum Side Yard Required: None, except where the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall be not less than the side yard required for the R district. The street side of a corner lot shall have a twenty (20) foot setback for all buildings or structures except that off-street parking areas shall have a minimum of ten (10) feet.
- (6) Minimum Rear Yard Required: None, except that it shall be twenty-five (25) feet when adjacent to "R" or "SR" zones.
- (7) Parking Required: Off-Street parking and loading shall be provided in conformance with the provisions of Section 24-35, said parking areas shall be paved and striped to County Standards.
- (8) Landscaping: Landscaping requirements shall be provided in

conformance with the provisions of Section 24-35.

- (9) Outdoor Lighting Required: All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that it constitutes a hazard to vehicular traffic, either on private property or on abutting streets.
- (10) Signs: Building signs shall not exceed a combined size of one square foot in area for each lineal foot of building frontage.
- (11) Outdoor Trash Storage: All outdoor trash storage and collection facilities shall be enclosed by a solid masonry wall or view-obscuring fence at least one foot higher than the trash container.
- (12) Zone Walls: Where a commercial use adjoins a residential zone or use, the following shall apply:
  - (1) Install and maintain a sound-deadening wall (such as slumpstone) of six (6) to eight (8) feet in height or a planted berm six (6) feet in height or a combination wall and berm on any exterior boundary line which is a common property line with any residential zoning district.
    - (a) The wall shall not exceed three (3) feet in height within twenty (20) feet of the right-of-way.
    - (b) Where a topographic, natural vegetative barrier or a grade differential exists between the two properties or if there is a significant distance between the uses that will provide the same buffering, exceptions to the wall or berm regulations may be made, in whole or in part with review and approval by the Planning Director.
- (13) Noise: Noise generated by the commercial use shall be restricted to sixty (60) decibels (db) at the common property line for a period of six (6) hours per day with no noise exceeding eight (80) decibels.

#### SECTION 24-126 PUD (PLANNED UNIT DEVELOPMENT) ZONE

- (a) Purpose: The purpose of the Planned Unit Development (PUD) Zone is to allow diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces; to encourage and take advantage of opportunities for more integrated, flexible and superior design than is available through the application of conventional regulation which anticipates individual lot development. It is the intent of this zone to provide a flexible means to implement the goals, policies and programs of the Butte County General Plan while ensuring the provision of adequate standards to protect the public health, safety and general welfare. It is also the purpose of this zone to encourage innovative, high-quality design, efficient use of land and modern site planning for residential, agriculture, commercial and industrial purposes.
- (b) Adoption and use limitations: A Planned Unit Development (PUD) Zone shall be established by the adoption of an ordinance by the board of supervisors rezoning the property to the Planned Unit Development Zone and adopting by reference a land use and development plan, the provisions of which, together with any other provisions which in the



opinion of the board of supervisors are necessary and included in the ordinance, shall constitute the regulations for the use, improvement and maintenance of the property within the boundaries of the zone. Except as hereinafter provided, no use, building, structure or parcel may be made, created or otherwise altered except as it complies with the ordinance adopted pursuant to this chapter.

- (c) Land use density area: The land use density of any Planned Unit Development Zone shall relate to the Butte County General Plan designation.
- (d) Preapplication conference: Before filing any application for Planned Unit Development zoning, the prospective applicant shall submit to the director of planning preliminary plans, sketches and basic site information for consideration and advice as to the relationship of the proposed development to the applicable general and specific plans and policies. Other departments and agencies with responsibilities for review, comment or other regulation of the proposed development may participate at the discretion of the planning director, and with the participation of appropriate responsible agencies, pursuant to section 210800.3 of the Public Resources Code and section 15066 of the California Environmental Quality Act (CEQA) Guidelines.
- (e) Criteria for complete application: In addition to the criteria listed on the attached sheet, the following items are required:
  - (1) Each PUD shall, as a minimum, provide off-street parking in accordance with chapter 24, off-street parking. Additional parking equal to fifty (50) percent of the required spaces shall be provided unless modified by the planning director of planning commission.
  - (2) In residential PUDs plans shall provide that not less than twenty-five (25) percent of the residential portion of the project shall be utilized for purposes other than residential dwellings and paved areas for vehicular uses. No less than forty-five (45) percent of such twenty-five (25) percent shall be utilized for recreation or park areas available for use by all residents. The same criteria for open space area shall apply to agricultural PUDs which may or may not include residential uses.
  - (3) Each industrial or commercial PUD shall provide that not less than ten (10) percent of the project shall be developed as landscaped areas.
  - (4) Each PUD shall obtain tentative clearance from the Butte County Health Department, Division of Environmental Health, for sewage disposal and water supply for the project at the density proposed. Soil tests, drilling of test wells or geologic reports are among the steps that may be required to provide evidence of sewage disposal capability and water availability for domestic use. Minimum lot areas for septic systems must comply with section 20-120.1 of the Butte County Subdivision Ordinance and appendix VII of the Improvement Standards for Subdivisions.
- (f) Applying for a rezone to PUD: The Planned Unit Development is intended to allow diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while ensuring substantial compliance with the general plan and the intent of the County Code in requiring adequate standards necessary to satisfy the requirements of public health, safety and general welfare. Each application for a rezone to PUD should include:

- (1) A completed rezoning application form;
- (2) A completed Environmental Information Appendix "E" form;
- (3) Twenty (20) copies of a preliminary development plan and a reproducible master; the plan should be drawn to scale and indicate:
  - a. Proposed use(s) of all land in the subject area;
  - b. Existing natural land features and topography of the subject area;
  - c. Circulation plan for all vehicular and pedestrian ways, including typical section of roadways;
  - d. Metes and bounds of the subject property;
  - e. Location and dimensions of all existing structures;
  - f. Locations of landscaping, parking areas, fire hydrants, street lighting, typical proposed structures, sewage disposal and water supply systems;
  - g. Preliminary grading for the development;
- (4) A title report which includes a written legal description of the subject area, that report to be not more than six (6) months old;
- (5) A preliminary report on provisions for and location of storm drainage, sewage disposal and public utilities;
- (6) A statement which describes the organization of any proposed homeowners' association, listing the intended covenants, conditions and restrictions;
- (7) A statement from the applicant explaining how the proposed development conforms to, and is consistent with, the general plan;
- (8) Include a statement that describes the intended height and bulk of the structures and their relationship to the surrounding areas;
- (9) A statement concerning any proposed phasing of the project, indicating the sequence and timing of each phase and how each unit would independently constitute reasonable and orderly development of the area.

Additional information may be required by the planning commission or board of supervisors at the time of any public hearing.

- (g) Application: Any application for rezoning to Planned Unit Development shall be accompanied by a proposed development plan to be reviewed for tentative map approval pursuant to chapter 20 of the Butte County Code. All applicable fees will be submitted as part of the application. Such fees will include those required for a tentative subdivision map application. As to form and content, the proposed development plan map and the review process shall conform to the requirements of this Code for a tentative map. Upon receipt of the recommendations of the committee, the planning director shall set the application for hearings as in the case of other rezoning applications. After receiving the recommendations from the planning commission, the board of supervisors



will approve/deny the tentative map at the same hearing as the PUD rezone is approved/denied.

SECTION 24-127 RESERVED  
SECTION 24-128 RESERVED

**SECTION 24-129 P-Q (PUBLIC, QUASI-PUBLIC) ZONE**

(a) Uses permitted:

- (1) Public schools;
- (2) Public parks;
- (3) Public playgrounds;
- (4) Publicly owned buildings and land;
- (5) Public recreational areas;
- (6) Public hospitals.

(b) Uses requiring use permits:

- (1) Recycling facilities as per section 24-68.

(c) Minimum lot area: None.

(d) Minimum lot width: None.

(e) Minimum side yard: None, except where the side of a lot abuts upon the side of a lot in an R district, in which case the abutting side yard shall be not less than five (5) feet, and except where the side yard on the street side of a corner lot abuts on an R district, in which case the side yard on the street side shall be one-half the corresponding front yard required in such R district.

The side yard requirements for residential dwellings shall conform to the requirements for any residential zone.

(f) Minimum front yard: None, except buildings and structures shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, then the minimum setback requirement shall be fifty-five (55) feet from the center line of the road.

**SECTION 24-130 RESIDENTIAL OR "R" ZONE; PURPOSE AND INTENT**

It is the purpose and intent of the Residential or "R" zone to provide suitable areas and environments for families, individual owners and renters in smaller, relatively compact, multiple-family common wall dwellings. The "R" zone is intended to provide for a mixture of housing types including detached single-family, duplex, triplex, townhouses, condominiums, apartments and mobile home parks developed to higher densities. The "R" zone is intended to stabilize neighborhoods of these dwelling types by protecting them from encroachment by incompatible and potentially destructive uses. The "R" zone will be applied within the urban communities of Butte County designated for Low, Medium, and High Density Residential development where urban services are more fully developed.



# SECTION 24-130.1 PERMITTED USES IN RESIDENTIAL ZONE

The following are the permitted uses in the "R" zone:

		<u>Zones</u>			
		<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
(a)	One single-family dwelling per parcel . . .	Yes	Yes	Yes	Yes
(b)	General agricultural and large-scale gardening, including farming, horticulture, floriculture, viticulture, aquaculture and apiaries . . . . .	Yes	No	No	No
(c)	One duplex or zero lot line single-family dwelling (halfplex per parcel) . . .	No	Yes	Yes	Yes
(d)	Multiple-family dwellings, apartments and condominiums and townhouses . . . . .	No	No	Yes	Yes
(e)	Dwelling groups or separate dwellings on a single parcel . . . . .	No	Yes	Yes	Yes
(f)	Licensed family, foster or group homes in conjunction with six (6) or fewer individuals on a twenty-four-hour basis . .	Yes	Yes	Yes	Yes

# SECTION 24-130.2 ACCESSORY USES IN RESIDENTIAL ZONE

The following are the accessory uses permitted in an "R" zone:

	<u>Zones</u>			
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
(a) Home occupations subject to the provisions of sections 24-21.195 and 24-200 . .	Yes	Yes	Yes	Yes
(b) Guest homes, not rented, subject to the provisions of section 24-21.22 . . . . .	Yes	Yes	Yes	Yes
(c) Rooming and boarding subject to the provisions of section 24-21.19 . . . . .	Yes	Yes	Yes	Yes
(d) Vehicle, camper, trailer and boat storage subject to the provisions of section 24-35 . . . . .	Yes	Yes	Yes	Yes
(e) Pets and small animals (but not including livestock, poultry or poisonous reptiles) .	Yes	Yes	Yes	Yes
(f) Private garages and parking areas . . . . .	Yes	Yes	Yes	Yes
(g) Fences and hedges up to forty-two (42) inches high within front yard setback areas and up to six (6) feet high along side and rear property lines . . . . .	Yes	Yes	Yes	Yes
(h) Other accessory uses and structures customarily appurtenant and clearly incidental to a permitted use . . . . .	Yes	Yes	Yes	Yes
(i) Additional dwelling unit of not more than six hundred forty (640) square feet in area for one (1) or two (2) adults of sixty (60) years of age or over in accordance with section 24-202 . .	Yes	Yes	Yes	Yes

# SECTION 24-130.3 CONDITIONAL USES IN RESIDENTIAL ZONE

The following are conditional uses in an "R" zone. The following uses may be conditional and require a use permit if applicable:

		<u>Zones</u>			
		<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
(a)	Mobile home parks meeting the standards of sections 24-21.32 and 24-120 (MHP) . . .	C	C	C	C
(b)	Public and quasi-public buildings, structures and uses of an administrative, educational, religious, cultural, communications and public service nature . . .	C	C	C	C
(c)	Rest homes, convalescent homes and sanitariums for more than six (6) residents . .	C	C	C	C
(d)	Licensed family, foster or group homes in conjunction with seven (7) or more children and day care facilities for over twelve (12) children . . . . .	C	C	C	C
(e)	Private kindergarten, elementary, secondary or post-secondary schools . . . .	C	C	C	C
(f)	Social halls, lodges, fraternal organizations and clubs operated by recognized non-profit organizations . . . . .	C	C	C	C
(g)	Hospitals . . . . .	N/A	N/A	C	C
(h)	Medical and dental clinics and offices . .	C	C	C	C
(i)	Sales tract offices . . . . .	Yes	Yes	Yes	Yes
(j)	Neighborhood commercial . . . . .	N/A	N/A	C	C
N/A = Not Allowed					
Yes = Allowable Without Conditional Permit					
C = Conditional Permit Required					



# SECTION 24-130.4 DEVELOPMENT STANDARDS IN RESIDENTIAL ZONE

The following minimum requirements shall be observed, except where specifically modified for conditional uses. The minimum requirements shall be those for the zone as designated on the zoning map:

		<u>Zones</u>			
		<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
(a)	Height (feet) Principal Accessory	<u>Comment:</u> Conform to the provisions of Butte County Building Code section 26-3.5.			
(b)	Parcel size (square feet) . . . . .	6500*	6500*	6500*	6500*
	Corner . . . . .	7000*	7000*	7000*	7000*
	Split single-family on zero lot line (halfplex) . . . . .	N/A	4000	4000	4000
	Corner . . . . .	N/A	5000	5000	5000
(c)	Building site area per unit (square feet) [including two (2) off-street parking spaces] . . . . .	6500	3250	3250	2150
(d)	Parcel width (feet) at setback line:				
	Interior . . . . .	65	50	50	50
	Corner . . . . .	70	65	55	55
(e)	Public street frontage (feet):				
	Curve or cul-de-sac . . . . .	40	40	40	40
(f)	Front yard setback (feet):				
	Back of property line** . . . . .	20	20	20	20
	Side street property line** . . . . .	20	20	20	20
(g)	Side yard setback (feet) . . . . .	5	5	5	5
(h)	Rear yard setback (feet) . . . . .	15	10	5	5
(i)	Distance between buildings on the same parcel (feet) . . . . .	10	10	10	10

\*On public sewage disposal service. All other lots to meet requirements of the Environmental Health Division for septic systems.  
\*\*Or edge of right-of-way on private roads.

SECTION 24-131 RESERVED  
SECTION 24-132 RESERVED  
SECTION 24-133 RESERVED  
SECTION 24-134 RESERVED

SECTION 24-135 R-1 A&C (MINIMUM DENSITY RESIDENTIAL ARTS AND CRAFTS) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
- (2) Accessory buildings pertinent to the permitted uses;
- (3) The following uses are considered to be accessory uses and are permitted in the R-1 A&C zone only when conducted on the premises with a residence occupied and used as a residence by the proprietor of such use, and no display or display window visible from a street shall be permitted:
  - a. Domestic arts and crafts, including, but not limited to, the following:
    1. Ceramics;
    2. Needlework;
    3. Dressmaking;
    4. Art studio, including photography;
    5. Lapidarist; and
  - b. Professional services shall conform to the following conditions:
    1. Not more than one employee or assistant is engaged for work or service on the premises in connection with such uses;
    2. One single-faced, unlighted sign shall not exceed three (3) square feet in area used exclusively to advertise products made, services rendered or business conducted on the premises, and such sign shall not be located in any required yard;
    3. Not to exceed two (2) parking spaces in addition to those required for dwellings, provided such parking spaces shall not be located in any required yard or open space.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Golf courses and country clubs;
- (2) Public and quasi-public uses including churches, firehouses, hospitals, parks, playgrounds, schools and public utility buildings;
- (3) Sales tract office.

(c) Site requirements: The provisions of section 24-33 shall apply.

SECTIONS 24-136 - 24-146 RESERVED

**SECTION 24-147 R-C (RESOURCE CONSERVATION) ZONE**

**(a) Uses permitted:**

- (1) Natural, wilderness and study areas;
- (2) Preserves for native fish, birds and wildlife;
- (3) Preservation of water resource areas, including streams, rivers, lakes, swamps, ponds, beaches, riverbanks, lakeshores and watershed areas;
- (4) Agricultural uses, not including permanent dwellings;
- (5) Keeping, raising and pasturing of livestock, not including feed yards;
- (6) Establishment of archaeological and historical sites;
- (7) Recreational uses not requiring permanent improvement, including hunting, fishing, camping, hiking, riding and similar uses;
- (8) Emergency uses needed for the protection of land and resources from fire, erosion, floods, slides, quakes, insects, diseases and pollution.

**(b) Uses requiring a use permit:**

- (1) Preserves for nonnative wildlife species;
- (2) Establishment of rest stops, vista points, and bicycle, pedestrian and equestrian trails, not including commercial sales and services;
- (3) Exploration and reconstruction of historical and archaeological sites and structures;
- (4) Permanent improvements needed for the protection of land and resources from fire, erosion, floods, slides, quakes, insects, diseases and pollution;
- (5) Stations to monitor air quality, water quality and seismic activities;
- (6) Mining and quarrying. This permit does not exclude any other permits as required by other regulatory agencies or from review by said agencies.

**(c) Lot area required: Minimum lot area shall be ten (10) acres.**

**(d) Front building setback: Minimum front building setback for structures shall be one hundred (100) feet from the center line of the road.**

**(e) Sign regulations:**

- (1) Signs or advertising displays shall be limited to one sign per lot advertising the sale or lease of that lot or the services rendered on the lot or the products grown or raised on the lot, and one sign advertising sales or services off the premises;



- (2) Signs to guide traffic to registered historical landmarks are also permitted if they are installed in accordance with the Planning Manual of Instructions of the Department of Transportation of the State of California;
- (3) Signs must be stationary and of a constant color, light and intensity;
- (4) Signs must not be higher than ten (10) feet above grade and must not be wider than six (6) feet;
- (5) All signs must be located behind the front setback line.
- (f) Side and rear setbacks: Minimum side and rear building setbacks shall be ten (10) feet from property lines.

**SECTION 24-148 RESERVED**

**SECTION 24-149 R-MH (RESIDENTIAL MOBILE HOME) ZONE**

(a) Uses permitted:

- (1) One single-family mobile home;
- (2) The floor area within the mobile home shall not be less than five hundred (500) square feet;
- (3) Accessory buildings pertinent to the permitted uses;
- (4) Household pets, but not including livestock, poultry or poisonous reptiles.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Golf courses and country clubs;
- (2) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
- (3) Sales tract office.

(c) Site requirements: The provisions of section 24-33 shall apply.

Board of Supervisors Discussion Item 87-437: Interpretation of a "mobile home only" zone: It is the Board's policy not to have zoning which excludes only particular kinds of housing [and would permit any type of housing] as long as it is up to code.

**SECTION 24-149.1 R-N (RESIDENTIAL-NONCONFORMING) ZONE**

(a) Uses permitted:

- (1) One (1) single-family dwelling per parcel, including trailers or mobile homes;
- (2) Accessory buildings pertinent to the permitted uses;

- (3) Household pets (but not including livestock, poultry or poisonous reptiles).
- (b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
  - (1) Duplex dwellings and multiple-family dwellings;
  - (2) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings.
- (c) Lot area and width: The standard provision of section 24-33 shall apply.
- (d) Front yard requirements: The standard provision of section 24-33 shall apply, except the setback of nonconforming existing structures which are being rehabilitated or expanded.
- (e) Side yard requirements: The minimum side yard required is three (3) feet, provided the sum of both side yards shall be equal to or greater than ten (10) percent of the average lot width. Where nonconforming existing structures are being rehabilitated or expanded, the minimum side yard shall be the existing setback distance on that side.
- (f) Rear yard requirements: The standard provisions of section 24-33 shall apply.
- (g) Off-street parking: The provisions of section 24-35 notwithstanding, one (1) off-street parking space shall be required per dwelling unit. This requirement is waived where existing off-street parking space is absorbed by expansion of an existing dwelling as part of an approved rehabilitation project of the county's housing and community development program.

#### SECTION 24-149.5 RESIDENTIAL-PROFESSIONAL OFFICE DISTRICT

- (a) Purpose and Intent: It is the purpose of the Residential-Professional Office or R-P Zone to allow development of professional offices in the vicinity of commercial zones, multiple-family residential zones, and along major thoroughfares, and to preserve the desirable characteristics of the residential environment insofar as possible while permitting selected, non-residential uses.
- (b) Permitted uses: The following are the principal permitted uses in the R-P Zone:
  - (1) Uses permitted in an R-1 district as set out in section 24-130.1;
  - (2) Offices occupied by accountants, architects, dentists, physicians, engineers, attorneys, drugless practitioners, electrologists, geologists, optometrists and psychologists;
  - (3) No provision of this section shall be construed as permitted the storage of commercial vehicles in excess of one and one-half ton carrying capacity, except private, passenger-type vehicles.
- (c) Accessory uses: The following are the accessory uses permitted in an R-P Zone:

- (1) Accessory uses as set out in section 24-130.2 for R-1 districts, when the primary land use is single-family residential;
  - (2) Non-commercial storage areas not to exceed fifteen (15) percent of the gross floor area of the office or residential structure.
- (d) Conditional uses: The following uses are permitted in the R-P Zone subject to obtaining a use permit in each case:
- (1) Uses permitted in an R-2 Zone as set out in section 24-130.1;
  - (2) Offices for other professions the planning commission determines are similar to those enumerated in section (b)(2).
- (e) Development standards: The following minimum requirements shall be observed, except where specifically modified for conditional uses:
- (1) Area requirements: The building site area requirements in the R-P Zone are as follows:
    - a. Minimum lot width for all lots except corner lots, sixty-five (65) feet at the setback line;
    - b. Minimum lot area, six thousand five hundred (6,500) square feet for all lots, except corner lots;
    - c. Minimum corner lot width, seventy (70) feet at the setback line;
    - d. Minimum corner lot area, seven thousand (7,000) square feet;
    - e. Maximum aggregate building coverage, twenty-five (25) percent on individual parcels of up to two (2) acres; fifty (50) percent coverage on parcels of two (2) acres or more.
  - (2) Height requirements: The maximum height requirements in the R-P Zone are as follows:
    - a. For main buildings, thirty-five (35) feet;
    - b. For accessory buildings, twenty-five (25) feet.
  - (3) Yard requirements: The following yards are required in the R-P Zone:
    - a. Front yard -- professional use: The minimum required front yard shall be twenty (20) feet from the property line, but in no case less than fifty-five (55) feet from the center line of the adjacent road;
    - b. Front yard -- residential use: The minimum required front yard shall be twenty (20) feet from the property line, but in no case less than sixty-five (65) feet from the center line of the adjacent road;
    - c. Side and rear yards: The minimum side and rear yards shall be five (5) feet. In the event the parcel abuts a residential zone or construction will exceed twenty (20) feet in height, side and rear yard setbacks shall be ten (10) feet;



d. Special yards and distances between buildings:

1. Distance between buildings in any dwelling group, ten (10) feet;
2. Inner court providing access to double-row dwelling group, minimum twenty (20) feet.

(4) Off-street parking: Off-street parking shall be provided in an amount not less than that set forth in the regulations of section 24-35. Design and location of all off-street parking areas shall be approved by the planning department in advance. Parking lots shall be designed so that vehicles do not exit by backing out onto the adjacent roadway.

(5) Access:

- a. R-P uses shall have frontage on a public street;
- b. R-P uses on parcels of less than two (2) acres will be served by one (1) encroachment, one (1) curb cut per street frontage;
- c. R-P uses on parcels of two acres or more may be served by more than one (1) encroachment and curb cut per frontage;
- d. Access from the public right-of-way to the parking area serving an R-P use shall be a minimum of twelve (12) feet paved width.

(f) Other standards and requirements:

(1) Fences, shrubs, plantings: The requirements for fences, shrubs, screen plantings, etc., in the R-P Zone are as provided in section 24-130.2 of this Code. If the property abuts a residential district, a six-and-one-half (6-1/2) foot sight-obscuring wall or fence shall be constructed along the common line in compliance with the setbacks.

(2) Public improvements: Existing structures converting to offices or duplexes under the R-P Zone shall be treated as new construction for purposes of road improvements, curb, gutter, sidewalk, provisions for drainage, or payment of applicable development fees.

(3) Signs:

- a. Allowed by right: Signs attached to a building face, not extending past the roof line, limited to not more than two (2) per parcel or not more than thirty-five (35) square feet of aggregate area per street frontage;
- b. Subject to a certificate of conditional use: Any monument-type sign, limited to one (1) per street frontage for each parcel, not exceeding thirty-five (35) square feet per sign;
- c. Subject to a use permit: Any sign exceeding the size limitation in (2), but not exceeding seventy (70) square feet for any individual sign.

- (4) Administrative permit required: Prior to commencement of construction or issuance of building permits in the R-P Zone, an administrative permit, along with any necessary fees, shall be submitted to the planning department for approval, showing the following:
- Site layout
  - Building facade details
  - Access
  - Parking
  - Landscaping
  - All improvements
  - Other pertinent features
- (5) Office complexes: Office complexes are a more efficient use of land and resources than single offices on individual lots. To promote office complexes on parcels of two (2) acres or larger in size, these incentives are offered:
- a. A ten (10) percent reduction in parking spaces otherwise required by the Zoning Ordinance;
  - b. Maximum aggregate building coverage ratios as enumerated in section (3) will be waived where sewage and drainage flows can be met;
  - c. Sign area may be increased from thirty-five (35) square feet to a maximum of seventy (70) square feet;
  - d. These incentives may not be used in conjunction with any other incentive.
- (6) Coordination with Specific Plans: Any building permit application for development of an R-P use or conversion of an existing structure shall not be approved if inconsistent with an applicable Specific Plan.
- (7) Building permit applications within a Specific Plan area shall include:
- a. Proof that required infrastructure improvements have been installed or bonded;
  - b. Planning commission approval of the site layout.

**SECTION 24-150 RT-1 (MINIMUM DENSITY RESIDENTIAL-MOBILE HOME) ZONE**

**(a) Uses permitted:**

- (1) One single-family dwelling per parcel;
- (2) Mobile home to house one (1) family, when such mobile home is the only housing facility located on the premises, provided the following conditions are conformed to:
  - a. The floor area within the mobile home shall not be less than five hundred (500) square feet.
- (3) Accessory buildings pertinent to the permitted uses;
- (4) Household pets, but not including livestock, poultry or poisonous reptiles.

**(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:**

- (1) Golf courses and country clubs;
- (2) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
- (3) Sales tract office.

**(c) Site requirements: The provisions of section 24-33 shall apply.**

**SECTION 24-151 RT-1/2 (MINIMUM DENSITY RESIDENTIAL-MOBILE HOME) ZONE**

**(a) Uses permitted:**

- (1) One single-family dwelling per parcel;
- (2) Mobile home to house one (1) family, when such mobile home is the only housing facility located on the premises, provided the following conditions are conformed to:
  - a. The floor area within the mobile home shall not be less than five hundred (500) square feet.
- (3) Accessory building pertinent to the permitted uses;
- (4) Household pets, but not including livestock, poultry or poisonous reptiles.

**(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:**

- (1) Golf courses and country clubs;
- (2) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings.



(c) Site requirements: The provisions of section 24-33 shall apply excepting lot area:

- (1) Lot area required: Minimum lot area per dwelling unit shall be one-half (1/2) acre (21,780 square feet).

#### SECTION 24-152 RESERVED

#### SECTION 24-153 RT-1-A (MINIMUM DENSITY RESIDENTIAL TRAILER) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel;
  - (2) Mobile home to house one (1) family, when such mobile home is the only housing facility located on the premises, provided the following conditions are conformed to:
    - a. The floor area within the mobile home shall not be less than five hundred (500) square feet;
    - b. All sanitary facilities shall conform to state statutes and regulations and to local requirements of the health department;
    - c. All electrical installations shall conform to state statutes and regulations.
  - (3) Accessory buildings pertinent to the permitted uses;
  - (4) Household pets, but not including livestock, poultry or poisonous reptiles.
- (b) Lot area required: Minimum lot area per dwelling unit shall be one acre (43,560 square feet).
- (c) Lot width required: Minimum lot width shall not be less than sixty-five (65) feet.
- (d) Front yard required: Minimum front yard shall be fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum building setback requirement shall be fifty-five (55) feet from the center line of the road.
- (e) Side and rear yard required: Minimum side and rear yard shall not be less than five (5) feet.
- (f) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:
- (1) Golf courses and country clubs;
  - (2) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings.

SECTION 24-154 RESERVED  
SECTION 24-155 RESERVED

**SECTION 24-156 S-H (SCENIC HIGHWAY) ZONE**

(a) Uses permitted:

- (1) Lawful uses of land established at the time a district was originally zoned S-H;
- (2) One residential dwelling per parcel;
- (3) Agricultural uses and buildings.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Schools, churches, public utility buildings and structures, roadside stands for the sale of produce from the land fronting the highway within the district; and
- (2) Highway services primarily for the convenience of the traveling public and including:
  - a. Gasoline service stations;
  - b. Restaurants;
  - c. Motels and trailer courts;
  - d. Public and quasi-public buildings and professional buildings.

(c) No signs, billboards or advertising displays shall be erected within the district except signs advertising only the sale or lease of land upon which the sign is placed, or the products grown or raised upon such property, and established or permitted uses on such property except the following:

- (1) Directional signs are permitted in advance of an entrance to a frontage road or intersection where businesses that serve the highway users (i.e., phones, roadside businesses, hospitals, motels, rest areas, campgrounds and next services) are available and installed in accordance with State of California Division of Highways Planning Manual of Instructions;
- (2) Historical landmark signs are permitted in advance of an entrance to a frontage road or intersection with the most direct access road to guide traffic to a registered landmark and installed in accordance with State of California Division of Highways Planning Manual of Instructions.

Board of Supervisors Discussion Item 85-415: Interpretation: a "ceramic studio" is to be considered a "school" in the S-H Zone, subject to securing a use permit in accordance with section 24-45 et seq.

(d) Site requirements: The provisions of section 24-33 shall apply.

SECTION 24-157 RESERVED

SECTION 24-158 RESERVED

SECTION 24-159 S-R (SUBURBAN RESIDENTIAL) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, not including tents or mobile homes;
- (2) Accessory buildings pertinent to the permitted uses;
- (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Public and quasi-public uses, including churches, hospitals, parks and playgrounds, schools and public utility buildings;
- (2) Sales tract office.

(c) Site requirements: The provisions of section 24-33 shall apply.

SECTION 24-160 SR-1/2 (SUBURBAN RESIDENTIAL) ZONE

(a) Uses permitted: The following regulations shall apply in an SR-1/2 zone:

- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
- (2) Accessory buildings pertinent to the permitted uses;
- (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-53.1 through 24-53.3, inclusive, of this Code.
- (4) The minimum lot area per dwelling unit shall not be less than one-half acre.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Golf courses and country clubs;
- (2) Public and quasi-public uses, including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
- (3) Sales tract office.

(c) Site requirements: The provisions of section 24-33 shall apply excepting lot area.



**SECTION 24-161 RESERVED**

**SECTION 24-162 SR-1 (SUBURBAN RESIDENTIAL) ZONE**

**(a) Uses permitted:**

- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
- (2) Accessory buildings pertinent to the permitted uses;
- (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.

**(b) Uses requiring use permits:** The following uses are permitted subject to securing a use permit in each case:

- (1) Golf courses and country clubs;
- (2) Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools and public utility buildings;
- (3) Sales tract office.

**(c) Site requirements:** Section 24-33 shall apply excepting lot width and lot area:

- (1) The minimum lot area per dwelling unit shall not be less than one (1) acre, the provisions of section 24-33 notwithstanding;
- (2) The minimum lot width shall not be less than one hundred thirty (130) feet, the provisions of section 24-33 notwithstanding.

**SECTION 24-163 SR-3 (SUBURBAN RESIDENTIAL) ZONE**

**(a) Uses permitted:**

- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
- (2) Accessory buildings pertinent to the permitted uses;
- (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive, of this Code.
- (4) The minimum lot area per dwelling unit shall not be less than three (3) acres, the provisions of section 24-33 notwithstanding;
- (5) The minimum lot width shall not be less than one hundred thirty (130) feet, the provisions of section 24-33 notwithstanding.

**(b) Uses requiring use permits:** The following uses are permitted subject to securing a use permit in each case:

- (1) Golf courses and country clubs;
  - (2) Public and quasi-public uses, including churches, firehouses, hospitals, parks and playgrounds, schools, and public utility buildings;
  - (3) Sales tract office.
- (c) Section 24-33 shall apply excepting lot width and lot area.

**SECTION 24-164 SR-5 (SUBURBAN RESIDENTIAL) ZONE**

(a) Uses permitted:

- (1) One single-family dwelling per parcel, not including tents, trailers or mobile homes;
- (2) Accessory buildings pertinent to the permitted uses;
- (3) Agricultural uses, including the keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive of this Code.

(b) Uses requiring use permits: The following uses are permitted subject to securing a use permit in each case:

- (1) Golf courses and country clubs;
- (2) Public and quasi-public uses, including churches, firehouses, hospitals, parks and playgrounds, schools, and public utility buildings;
- (3) Sales tract office.

(c) Site requirements: Section 24-33 shall apply excepting lot width and lot area, side and rear yard:

- (1) Lot area: The minimum lot area per dwelling unit shall not be less than five (5) acres, the provisions of section 24-33 notwithstanding;
- (2) Lot width: The minimum lot width shall not be less than one hundred thirty (130) feet;
- (3) Side and rear yard required: The minimum side and rear yard shall not be less than ten (10) feet.

**SECTION 24-165 TM-1 (TIMBER MOUNTAIN) ZONE**

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Management, raising, harvesting and removal of trees, shrubs, seedlings, flowers, herbs and all food crops for human or animal consumption;

- (3) Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish and frogs;
- (4) Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive of this Code.
- (5) Prospecting, claiming, drilling, mining, excavating and dredging of mineral, hydrocarbon and geothermal resources, except as limited in paragraph (b) below;
- (6) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural wilderness, experimental and study areas;
- (7) Display and sale of products of agricultural uses and home arts and crafts produced on the premises;
- (8) Accessory uses, improvements and structures customary and pertinent to permitted uses, except as limited in paragraph (b) below, including guest houses, barns, sheds, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating plants of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to first securing a use permit in each case:
  - (1) Residential uses other than one single-family dwelling per parcel or one single-family dwelling per one acre for TM-1, including labor camps, commercial guest lodging, group quarters or dwelling units at greater densities;
  - (2) Commercial wood processing plants;
  - (3) Commercial kennels and animal hospitals;
  - (4) Commercial livestock feed yards;
  - (5) Animal product processing plants;
  - (6) Mining, quarrying and excavating activities which might be objectionable by reason of noise, odor, smoke, dust, bright light, vibration, stream pollution or handling of explosives or dangerous materials;
  - (7) Commercial boat ramps, docks and landing facilities;
  - (8) Aircraft landing facilities;
  - (9) Disposal areas and sewage treatment facilities;
  - (10) Public and quasi-public uses including schools, parks, playgrounds, recreational facilities, utility system structures, meeting halls, hospitals, libraries, museums, government offices and similar uses;



- (11) Private or commercial outdoor recreation facilities on sites of not less than five (5) acres, including country clubs, golf courses, riding academies and stables, hunting and fishing camps and other clubs, and gun clubs and ranges;
- (12) Public tasting rooms in conjunction with a winery on sites not less than five (5) acres, provided that such tasting room must be accessory to the on-site winery.

Board of Supervisors Discussion Item 84-808: Uses permitted:  
Exploratory seismology testing.

- (c) Lot area: Minimum required area of a lot per dwelling unit shall not be less than one acre for TM-1.
- (d) Lot width required: Minimum required lot width shall not be less than sixty-five (65) feet.
- (e) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum required front building setback shall be not less than fifty-five (55) feet from the center line of the road.
- (f) Side yard required: Minimum required side building setback shall be not less than five (5) feet for TM-1.
- (g) Rear yard required: Minimum required rear building setback shall be not less than five (5) feet for TM-1.

SECTION 24-166 RESERVED  
SECTION 24-167 RESERVED

**SECTION 24-168 TM-2 (TIMBER MOUNTAIN) ZONE**

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Management, raising, harvesting and removal of trees, shrubs, seedlings, flowers, herbs and all food crops for human or animal consumption;
- (3) Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish and frogs;
- (4) Keeping, raising and pasturing of cattle, horses, sheep, goats, hogs or other livestock, provided that no more than two (2) such animals be kept per acre on parcels of less than five (5) acres and no more than four (4) such animals be kept per acre on parcels of five (5) acres or more;
- (5) Prospecting, claiming, drilling, mining, excavating and dredging of mineral, hydrocarbon and geothermal resources, except as limited in paragraph (b) below;

- (6) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural wilderness, experimental and study areas;
- (7) Display and sale of products of agricultural uses and home arts and crafts produced on the premises;
- (8) Accessory uses, improvements and structures customary and pertinent to permitted uses, except as limited in paragraph (b) below, including guest houses, barns, sheds, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating plants of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to first securing a use permit in each case:
  - (1) Residential uses other than one single-family dwelling per parcel or one single-family dwelling per two (2) acres for TM-2, including labor camps, commercial guest lodging, group quarters or dwelling units at greater densities;
  - (2) Commercial wood processing plants;
  - (3) Commercial kennels and animal hospitals;
  - (4) Commercial livestock feed yards;
  - (5) Animal product processing plants;
  - (6) Mining, quarrying and excavating activities which might be objectionable by reason of noise, odor, smoke, dust, bright light, vibration, stream pollution or handling of explosives or dangerous materials;
  - (7) Commercial boat ramps, docks and landing facilities;
  - (8) Aircraft landing facilities;
  - (9) Disposal areas and sewage treatment facilities;
  - (10) Public and quasi-public uses including schools, parks, playgrounds, recreational facilities, utility system structures, meeting halls, hospitals, libraries, museums, government offices and similar uses;
  - (11) Private or commercial outdoor recreation facilities on sites of not less than five (5) acres, including country clubs, golf courses, riding academies and stables, hunting and fishing camps and other clubs, and gun clubs and ranges;

Board of Supervisors Discussion Item 84-808: Uses permitted: Exploratory seismology testing.

- (c) Lot area: Minimum required area of lot per dwelling unit shall not be less than two (2) acres for TM-2.

- (d) Lot width required: Minimum required lot width shall not be less than sixty-five (65) feet.
- (e) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum required front building setback shall be not less than fifty-five (55) feet from the center line of the road.
- (f) Side yard required: Minimum required side building setback shall be not less than five (5) feet for TM-2.
- (g) Rear yard required: Minimum required rear building setback shall be not less than five (5) feet for TM-2.

SECTION 24-169 RESERVED

SECTION 24-170 RESERVED

SECTION 24-171 TM-2-1/2 (TIMBER MOUNTAIN) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Management, raising, harvesting and removal of trees, shrubs, seedlings, flowers, herbs and all food crops for human or animal consumption;
- (3) Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish and frogs;
- (4) Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24.35.3, inclusive of this Code.
- (5) Prospecting, claiming, drilling, mining, excavating and dredging of mineral, hydrocarbon and geothermal resources except as limited in paragraph (b) below;
- (6) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural wilderness, experimental and study areas;
- (7) Display and sale of products of agricultural uses and home arts and crafts produced on the premises;
- (8) Accessory uses, improvements and structures customary and pertinent to permitted uses, except as limited in paragraph (b) below, including guest houses, barns, sheds, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to first securing a use permit in each case:



- (1) Residential uses other than one single-family dwelling per parcel or one single-family dwelling per two and one-half (2-1/2) acres for TM-2-1/2, including labor camps, commercial guest lodging, group quarters or dwelling units at greater densities;
- (2) Commercial wood processing plants;
- (3) Commercial kennels and animal hospitals;
- (4) Commercial livestock feed yards;
- (5) Animal product processing plants;
- (6) Mining, quarrying and excavating activities which might be objectionable by reason of noise, odor, smoke, dust, bright light, vibration, stream pollution or handling of explosives or dangerous materials;
- (7) Commercial boat ramps, docks and landing facilities;
- (8) Aircraft landing facilities;
- (9) Disposal areas and sewage treatment facilities;
- (10) Public and quasi-public uses including schools, parks, playgrounds, recreational facilities, utility system structures, meeting halls, hospitals, libraries, museums, government offices and similar uses;
- (11) Private or commercial outdoor recreation facilities on sites of not less than five (5) acres, including country clubs, golf courses, riding academies and stables, hunting and fishing camps and other clubs, and gun clubs and ranges;

Board of Supervisors Discussion Item 84-808: Uses permitted:  
Exploratory seismology testing.

- (c) Lot area: Minimum required area of a lot per dwelling unit shall not be less than two and one-half (2-1/2) acres for TM-2-1/2.
- (d) Lot width required: Minimum required lot width shall not be less than sixty-five (65) feet.
- (e) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum required front building setback shall be not less than fifty-five (55) feet from the center line of the road.
- (f) Side yard required: Minimum required side building setback shall be not less than five (5) feet for TM-2-1/2.
- (g) Rear yard required: Minimum required rear building setback shall be not less than five (5) feet for TM-2-1/2.

SECTION 24-172 TM-3 (TIMBER MOUNTAIN) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Management, raising, harvesting and removal of trees, shrubs, seedlings, flowers, herbs and all food crops for human or animal consumption;
- (3) Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish and frogs;
- (4) Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive of this Code.
- (5) Prospecting, claiming, drilling, mining, excavating and dredging of mineral, hydrocarbon and geothermal resources except as limited in paragraph (b) below;
- (6) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural wilderness, experimental and study areas;
- (7) Display and sale of products of agricultural uses and home arts and crafts produced on the premises;
- (8) Accessory uses, improvements and structures customary and pertinent to permitted uses, except as limited in paragraph (b) below, including guest houses, barns, sheds, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

(b) Uses requiring use permits: The following uses are permitted subject to first securing a use permit in each case:

- (1) Residential uses other than one single-family dwelling per parcel or one single-family dwelling per three (3) acres for TM-3, including labor camps, commercial guest lodging, group quarters or dwelling units at greater densities;
- (2) Commercial wood processing plants;
- (3) Commercial kennels and animal hospitals;
- (4) Commercial livestock feed yards;
- (5) Animal product processing plants;
- (6) Mining, quarrying and excavating activities which might be objectionable by reason of noise, odor, smoke, dust, bright light, vibration, stream pollution or handling of explosives or dangerous materials;
- (7) Commercial boat ramps, docks and landing facilities;

- (8) Aircraft landing facilities;
- (9) Disposal areas and sewage treatment facilities;
- (10) Public and quasi-public uses including schools, parks, playgrounds, recreational facilities, utility system structures, meeting halls, hospitals, libraries, museums, government offices and similar uses;
- (11) Private or commercial outdoor recreation facilities on sites of not less than five (5) acres, including country clubs, golf courses, riding academies and stables, hunting and fishing camps and other clubs, and gun clubs and ranges;

Board of Supervisors Discussion Item 84-808: Uses permitted:  
Exploratory seismology testing.

- (c) Lot area: Minimum required area of a lot per dwelling unit shall not be less than three (3) acres for TM-3.
- (d) Lot width required: Minimum required lot width shall not be less than sixty-five (65) feet.
- (e) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum required front building setback shall be not less than fifty-five (55) feet from the center line of the road.
- (f) Side yard required: Minimum required side building setback shall be not less than ten (10) feet for TM-3.
- (g) Rear yard required: Minimum required rear building setback shall be not less than ten (10) feet for TM-3.

#### SECTION 24-173 RESERVED

#### SECTION 24-174 TM-5 (TIMBER MOUNTAIN) ZONE

##### (a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Management, raising, harvesting and removal of trees, shrubs, seedlings, flowers, herbs and all other crops for human or animal consumption;
- (3) Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish and frogs;
- (4) Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive of this Code.
- (5) Prospecting, claiming, drilling, mining, excavating and dredging of mineral, hydrocarbon and geothermal resources, except as limited in paragraph (b) below;



- (6) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboreetums and natural wilderness, experimental and study areas;
- (7) Display and sale of products of agricultural uses and home arts and crafts produced on the premises;
- (8) Accessory uses, improvements and structures customary and pertinent to permitted uses, except as limited in paragraph (b) below, including guest houses, barns, sheds, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to first securing a use permit in each case:
  - (1) Residential uses other than one single-family dwelling per parcel or one single-family dwelling per five (5) acres for TM-5, including labor camps, commercial guest lodging, group quarters or dwelling units at greater densities;
  - (2) Commercial wood processing plants;
  - (3) Commercial kennels and animal hospitals;
  - (4) Commercial livestock feed yards;
  - (5) Animal product processing plants;
  - (6) Mining, quarrying and excavating activities which might be objectionable by reason of noise, odor, smoke, dust, bright light, vibration, stream pollution or handling of explosives or dangerous materials;
  - (7) Commercial boat ramps, docks and landing facilities;
  - (8) Aircraft landing facilities;
  - (9) Disposal areas and sewage treatment facilities;
  - (10) Public and quasi-public uses including schools, parks, playgrounds, recreational facilities, utility system structures, meeting halls, hospitals, libraries, museums, government offices and similar uses;
  - (11) Private or commercial outdoor recreation facilities on sites of not less than five (5) acres, including country clubs, golf courses, riding academies and stables, hunting and fishing camps and other clubs, and gun clubs and ranges;

Board of Supervisors Discussion Item 84-808: Uses permitted: Exploratory seismology testing.

- (c) Lot area: Minimum required area of a lot per dwelling unit shall not be less than five (5) acres for TM-5.

- (d) Lot width required: Minimum required lot width shall not be less than sixty-five (65) feet.
- (e) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum required front building setback shall be not less than fifty-five (55) feet from the center line of the road.
- (f) Side yard required: Minimum required side building setback shall be not less than ten (10) feet for TM-5.
- (g) Rear yard required: Minimum required building setback shall be not less than ten (10) feet for TM-5.

SECTION 24-175 RESERVED

SECTION 24-176 RESERVED

**SECTION 24-177 TM-10 (TIMBER MOUNTAIN) ZONE**

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Management, raising, harvesting and removal of trees, shrubs, seedlings, flowers, herbs and all food crops for human or animal consumption;
- (3) Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish and frogs;
- (4) Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive of this Code.
- (5) Prospecting, claiming, drilling, mining, excavating and dredging of mineral, hydrocarbon and geothermal resources, except as limited in paragraph (b) below;
- (6) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural wilderness, experimental and study areas;
- (7) Display and sale of products of agricultural uses and home arts and crafts produced on the premises;
- (8) Accessory uses, improvements and structures customary and pertinent to permitted uses, except as limited in paragraph (b) below, including guest houses, barns, sheds, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to first securing a use permit in each case:

- (1) Residential uses other than one single-family dwelling per parcel or one single-family dwelling per ten (10) acres for TM-10, including labor camps, commercial guest lodging, group quarters or dwelling units at greater densities;
- (2) Commercial wood processing plants;
- (3) Commercial kennels and animal hospitals;
- (4) Commercial livestock feed yards;
- (5) Animal product processing plants;
- (6) Mining, quarrying and excavating activities which might be objectionable by reason of noise, odor, smoke, dust, bright light, vibration, stream pollution or handling of explosives or dangerous materials;
- (7) Commercial boat ramps, docks and landing facilities;
- (8) Aircraft landing facilities;
- (9) Disposal areas and sewage treatment facilities;
- (10) Public and quasi-public uses including schools, parks, playgrounds, recreational facilities, utility system structures, meeting halls, hospitals, libraries, museums, government offices and similar uses;
- (11) Private or commercial outdoor recreational facilities on sites of not less than five (5) acres, including country clubs, golf courses, riding academies and stables, hunting and fishing camps and other clubs, and gun clubs and ranges;

Board of Supervisors Discussion Item 84-808: Uses permitted:  
Exploratory seismology testing.

- (c) Lot area: Minimum required area of a lot per dwelling unit shall not be less than ten (10) acres for TM-10.
- (d) Lot width required: Minimum required lot width shall not be less than sixty-five (65) feet.
- (e) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum required front building setback shall be not less than fifty-five (55) feet from the center line of the road.
- (f) Side yard required: Minimum required side building setback shall be not less than ten (10) feet for TM-10.
- (g) Rear yard required: Minimum required rear building setback shall be not less than ten (10) feet for TM-10.

SECTION 24-178 RESERVED  
SECTION 24-179 RESERVED



SECTION 24-180 TM-20 (TIMBER MOUNTAIN) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Management, raising, harvesting and removal of trees, shrubs, seedlings, flowers, herbs and all food crops for human or animal consumption;
- (3) Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish and frogs;
- (4) Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive of this Code.
- (5) Prospecting, claiming, drilling, mining, excavating and dredging of mineral, hydrocarbon and geothermal resources, except as limited in paragraph (b) below;
- (6) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural wilderness, experimental and study areas;
- (7) Display and sale of products of agricultural uses and home arts and crafts produced on the premises;
- (8) Accessory uses, improvements and structures customary and pertinent to permitted uses, except as limited in paragraph (b) below, including guest houses, barns, sheds, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

(b) Uses requiring use permits: The following uses are permitted subject to first securing a use permit in each case:

- (1) Residential uses other than one single-family dwelling per parcel or one single-family dwelling per twenty (20) acres for TM-20, including labor camps, commercial guest lodging, group quarters or dwelling units at greater densities;
- (2) Commercial wood processing plants;
- (3) Commercial kennels and animal hospitals;
- (4) Commercial livestock feed yards;
- (5) Animal product processing plants;
- (6) Mining, quarrying and excavating activities which might be objectionable by reason of noise, odor, smoke, dust, bright light, vibration, stream pollution or handling of explosives or dangerous materials;
- (7) Commercial boat ramps, docks and landing facilities;

- (8) Aircraft landing facilities;
- (9) Disposal areas and sewage treatment facilities;
- (10) Public and quasi-public uses including schools, parks, playgrounds, recreational facilities, utility system structures, meeting halls, hospitals, libraries, museums, government offices and similar uses;
- (11) Private or commercial outdoor recreation facilities on sites of not less than five (5) acres, including country clubs, golf courses, riding academies and stables, hunting and fishing camps and other clubs, and gun clubs and ranges;

Board of Supervisors Discussion Item 84-808: Uses permitted:  
Exploratory seismology testing.

- (c) Lot area: Minimum required area of a lot per dwelling unit shall not be less than twenty (20) acres for TM-20.
- (d) Lot width required: Minimum required lot width shall not be less than sixty-five (65) feet.
- (e) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum required front building setback shall be not less than fifty-five (55) feet from the center line of the road.
- (f) Side yard required: Minimum required side building setback shall be not less than twenty-five (25) feet for TM-20.
- (g) Rear yard required: Minimum required rear building setback shall be not less than fifty (50) feet for TM-20.

SECTION 24-181 RESERVED  
SECTION 24-182 RESERVED

#### SECTION 24-183 TM-40 (TIMBER MOUNTAIN) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Management, raising, harvesting and removal of trees, shrubs, seedlings, flowers, herbs and all food crops for human or animal consumption;
- (3) Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish and frogs;
- (4) Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive of this Code.

- (5) Prospecting, claiming, drilling, mining, excavating and dredging of mineral, hydrocarbon and geothermal resources, except as limited in paragraph (b) below;
- (6) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural wilderness, experimental and study areas;
- (7) Display and sale of products of agricultural uses and home arts and crafts produced on the premises;
- (8) Accessory uses, improvements and structures customary and pertinent to permitted uses, except as limited in paragraph (b) below, including guest houses, barns, sheds, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

(b) Uses requiring use permits: The following uses are permitted subject to first securing a use permit in each case:

- (1) Residential uses other than one single-family dwelling per parcel or one single-family dwelling per forty (40) acres for TM-40, including labor camps, commercial guest lodging, group quarters or dwelling units at greater densities;
- (2) Commercial wood processing plants;
- (3) Commercial kennels and animal hospitals;
- (4) Commercial livestock feed yards;
- (5) Animal product processing plants;
- (6) Mining, quarrying and excavating activities which might be objectionable by reason of noise, odor, smoke, dust, bright light, vibration, stream pollution or handling of explosives or dangerous materials;
- (7) Commercial boat ramps, docks and landing facilities;
- (8) Aircraft landing facilities;
- (9) Disposal areas and sewage treatment facilities;
- (10) Public and quasi-public uses including schools, parks, playgrounds, recreational facilities, utility system structures, meeting halls, hospitals, libraries, museums, government offices and similar uses;
- (11) Private or commercial outdoor recreation facilities on sites of not less than five (5) acres, including country clubs, golf courses, riding academies and stables, hunting and fishing camps and other clubs, and gun clubs and ranges;

Board of Supervisors Discussion Item 84-808: Uses permitted: Exploratory seismology testing.



- (c) Lot area: Minimum required area of a lot per dwelling unit shall not be less than forty (40) acres for TM-40.
- (d) Lot width required: Minimum required lot width shall not be less than sixty-five (65) feet.
- (e) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum required front building setback shall be not less than fifty-five (55) feet from the center line of the road.
- (f) Side yard required: Minimum required side building setback shall be not less than twenty-five (25) feet for TM-40.
- (g) Rear yard required: Minimum required rear building setback shall be not less than fifty (50) feet for TM-40.

SECTION 24-184 RESERVED

SECTION 24-185 RESERVED

SECTION 24-186 TM-160 (TIMBER MOUNTAIN) ZONE

(a) Uses permitted:

- (1) One single-family dwelling per parcel, including mobile homes;
- (2) Management, raising, harvesting and removal of trees, shrubs, seedlings, flowers, herbs and all food crops for human or animal consumption;
- (3) Keeping and raising small animals for domestic use, including dogs, cats and household pets, poultry and other birds, bees, fish and frogs;
- (4) Keeping of animals, subject to the animal maintenance requirements of Sections 24-35.1 through 24-35.3, inclusive of this Code.
- (5) Prospecting, claiming, drilling, mining, excavating and dredging of mineral, hydrocarbon and geothermal resources, except as limited in paragraph (b) below;
- (6) Protection of land and forests from fire, erosion, floods, slides, quakes, insects, diseases and pollution, including arboretums and natural wilderness, experimental and study areas;
- (7) Display and sale of products of agricultural uses and home arts and crafts produced on the premises;
- (8) Accessory uses, improvements and structures customary and pertinent to permitted uses, except as limited in paragraph (b) below, including guest houses, barns, sheds, shops, garages and storage areas;

Board of Supervisors Discussion Item 83-233: Uses permitted: Small hydro generating projects of 5 megawatts or less.

- (b) Uses requiring use permits: The following uses are permitted subject to first securing a use permit in each case:
- (1) Residential uses other than one single-family dwelling per parcel or one single-family dwelling per one hundred sixty (160) acres for TM-160, including labor camps, commercial guest lodging, group quarters or dwelling units at greater densities;
  - (2) Commercial wood processing plants;
  - (3) Commercial kennels and animal hospitals;
  - (4) Commercial livestock feed yards;
  - (5) Animal product processing plants;
  - (6) Mining, quarrying and excavating activities which might be objectionable by reason of noise, odor, smoke, dust, bright light, vibration, stream pollution or handling of explosives or dangerous materials;
  - (7) Commercial boat ramps, docks and landing facilities;
  - (8) Aircraft landing facilities;
  - (9) Disposal areas and sewage treatment facilities;
  - (10) Public and quasi-public uses including schools, parks, playgrounds, recreational facilities, utility system structures, meeting halls, hospitals, libraries, museums, government offices and similar uses;
  - (11) Private or commercial outdoor recreational facilities on sites of not less than five (5) acres, including country clubs, golf courses, riding academies and stables, hunting and fishing camps and other clubs, and gun clubs and ranges;

Board of Supervisors Discussion Item 84-808: Uses permitted:  
Exploratory seismology testing.

- (c) Lot area: Minimum required area of a lot per dwelling unit shall not be less than one hundred sixty (160) acres for TM-160.
- (d) Lot width required: Minimum required lot width shall not be less than sixty-five (65) feet.
- (e) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, the minimum required front building setback shall be not less than fifty-five (55) feet from the center line of the road.
- (f) Side yard required: Minimum required side building setback shall be not less than twenty-five (25) feet for TM-160.
- (g) Rear yard required: Minimum required rear building setback shall be not less than fifty (50) feet for TM-160.

SECTION 24-187 RESERVED  
SECTION 24-188 RESERVED  
SECTION 24-189 RESERVED

SECTION 24-190 TPZ-160 (TIMBER PRESERVE ZONE)

(a) Uses permitted:

- (1) Compatible uses, which are any uses that do not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:
  - a. Housing units that would be compatible to timber uses;
  - b. Management for watershed;
  - c. Management for fish and wildlife habitat or hunting and fishing;
  - d. A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings and log storage areas;
  - e. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;
  - f. Grazing;
  - g. Mining, or any use integrally related thereto.
- (b) Lot area: The minimum lot area for inclusion in the Timber Preserve Zoning District shall not be less than one hundred sixty (160) acres and must consist of contiguous parcels, contiguous meaning two (2) or more parcels of land that are adjoining or neighboring or are sufficiently near to each other as determined by the board of supervisors that they are manageable as a single forest unit. Such parcels must be capable of growing an average annual volume of wood fiber as determined by the county assessor at least fifteen (15) cubic feet per acre.
- (c) Inclusion standards: The parcel or parcels to be included in the Timber Preserve Zoning District shall comply with the following criteria:
  - (1) A map shall be prepared, showing the legal description or assessor's parcel number of the property desired to be zoned.
  - (2) A plan for forest management must be prepared or approved, as to content, for the property by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.
  - (3) The parcel shall meet the timber stocking standards set forth in section 4561 of the Public Resources Code and the forest practice rules adopted by the state board of forestry for the district in



which the parcel is located, or the owner must sign an agreement with the board of supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. Upon the fifth anniversary of the signing of such agreement, the board of supervisors shall determine whether the parcel meets the timber stocking standards in effect on the date the agreement was signed. If the parcel fails to meet the timber stocking standards, the board of supervisors shall immediately rezone the parcel and specify a new zone for such parcel which is in conformance with the county general plan and whose primary use is other than timberland.

- (4) The parcel shall be privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least fifteen (15) cubic feet per acre.
- (5) The parcels shall be in compliance with the compatible uses as set forth in part (a) of this section.
- (6) The land shall be of site quality IV or better, as described in section 434.5 of the Revenue and Taxation Code, for purposes of valuation.
- (d) Addition: Notwithstanding part (b) of this section, recently acquired land may be added to an existing Timber Preserve Zoning District regardless of the parcel size if the addition is under the same ownership and is capable of growing fifteen (15) cubic feet per acre of wood fiber.
- (e) Size of parcels: Parcels zoned as "TPZ" Timber Preserve Zoning District may not be divided into parcels less than one hundred sixty (160) acres unless owners of resulting parcels submit a joint timber management plan prepared by or approved as to content by a registered professional forester, and such owners enter into a binding contract with the board of supervisors to manage and harvest timber on the timberland jointly, and are bound by the provisions of such management plan for a minimum of ten (10) years.
- (f) Front yard required: Minimum required front building setback shall be not less than fifty (50) feet from the center line of the road; except where the road is classified by the county as a Federal Aid Secondary Road, in which case the minimum required front building setback shall not be less than fifty-five (55) feet from the center line of the road.
- (g) Side yard required: Minimum required side building setback shall be not less than twenty-five (25) feet.
- (h) Rear yard required: Minimum required rear building setback shall be not less than fifty (50) feet.

SECTION 24-191 RESERVED  
SECTION 24-192 RESERVED  
SECTION 24-193 RESERVED  
SECTION 24-194 RESERVED

#### SECTION 24-195 U (UNCLASSIFIED) ZONE

- (a) Purpose and Intent: All the unincorporated area of the County of Butte not otherwise zoned by ordinance by the Board of Supervisors is hereby zoned as a U (Unclassified) district, and such district is defined and subject to the regulations contained in Section 24-33 of this Chapter.
- (b) Permitted Uses: The following are the principal permitted uses in the U Zone:
  - (1) Single-family dwelling per parcel and accessory buildings;
  - (2) Agricultural uses and buildings.
- (c) Conditional Uses: The following are conditional uses in a U Zone:
  - (1) Multiple-family dwellings, including duplexes, subject to the density specified by the General Plan; second dwelling unit allowed with no extra restriction;
  - (2) Commercial uses of land or buildings;
  - (3) Recreational vehicle parks;
  - (4) Campsites;
  - (5) Public or quasi-public uses including schools, churches, public buildings and public utility buildings;
  - (6) Junkyards, secondhand stores, auto wrecking yards, used car lots, trailer sales and equipment sales;
  - (7) Commercial distillation of bones, abattoirs, auction yards, commercial livestock feed yards, commercial millings, canneries, lumber and lumber processing, tanneries, fat rendering, garbage-fed commercial hog raising, food and agriculture product processing plants;
  - (8) Country clubs, golf courses, racetracks, drive-ins, ball parks, riding academies, bowling alleys, commercial amusement enterprises, taverns, dance halls and other places of recreation of a similar character;
  - (9) Kennels and small animal hospitals and crematories;
  - (10) Trailer courts, construction labor camps;
  - (11) Commercial airports (excepting individual or private airports and those operated exclusively for agricultural purposes);
  - (12) Cemeteries, crematories, mausoleums or other places of the burial or other disposal of the human dead;
  - (13) Storage of inflammables (excepting for agricultural purposes);
  - (14) Dumping and disposal areas;

- (15) Manufacturing of acids, explosives, fertilizer, glue, gypsum, lime, plaster of paris, pulp and paper, beet sugar, crushed rock, sand and gravel, cement, concrete, and/or asphalt batching plants, concrete and clay products;
- (16) Industrial uses which might be objectionable by reason of emission of noise, offensive odor, smoke, dust, bright light, vibration or involving the handling of explosives or dangerous materials;
- (17) Hydroelectric generating facilities with installed capacity greater than five (5) megawatts.
- (d) Densities: Residential densities not to exceed the densities as set forth in the Butte County General Plan for each specific site.
- (e) Development Standards: The minimum requirements shall be those for the type of use involved. For instance, a residential use would adhere to the development standards for the "R" Zones and a commercial use would adhere to the development standards for the "C" Zones.
- (f) Other Standards and Requirements: The following additional standards and requirements shall apply in a "U" Zone, except where specifically modified for conditional uses:
  - (1) Off-street parking and loading shall be provided in conformity with the provisions of Section 24-35.
  - (2) Control on Land Divisions: Any proposed land division of 20 acres or less must first apply for and obtain specific zoning consistent with the General Plan or applicable area or specific plan.

Board of Supervisors Discussion Item 86-296: Development permits for residential use on those lots of Butte Meadows (leases established in 1940 and 1950) leased from Steidlmayer; in Jonesville (1940 and 1950), leased from Minderman et al.; and at Philbrook Lake (1930 and 1940) leased from PG&E, are allowed, finding that the development of the leaseholds conforms to the density established by previous governmental action with or without subdivision of the parcel, and, therefore, a use permit would not be required to develop these "lots".

#### SECTION 24-196 "WF" (WATERSHED PROTECTION) ZONE

- (a) Purpose and Intent: This district classification is intended to be utilized as an overlay zone which shall be overlaid onto other zoning districts to establish the boundaries of a watershed, and for the following purposes:
  - (1) To protect the County's surface and ground water resources;
  - (2) To reduce future governmental costs by preserving public water supplies;
  - (3) To recognize the essentially public nature of the land and water resources of a watershed, and that their continued vitality is directly related to the social and economic welfare of the County and its communities;



- (4) To protect the public health, safety and welfare by requiring such additional restrictions upon the use of the land as are necessary to retain the natural balance and integrity of a watershed;
- (5) To recognize the uniqueness of each watershed by basing the selection of the most effective measures for their protection upon an evaluation of the soils, climatic conditions, topography, vegetation, drainage patterns, and any other specific conditions unique to the watershed;
- (6) To allow the County or its citizenry to identify watersheds where a natural or man-made imbalance in the environmental system occurs and provide a means for repairing or restoring the natural functions of these watersheds.

(b) Adoption of Policies, Procedures and Standards

- (1) In recognition of the unique characteristics of each watershed and the need for individual evaluation, the policies, procedures and standards for each watershed shall be adopted on an individual basis by resolution of the Board of Supervisors following the adoption of an ordinance establishing the "WP" Zone for a watershed.
- (2) At such time as the Planning Commission holds a public hearing in accordance with the provisions of Section 24-27 of this Chapter for the purposes of establishing a "WP" Zone, the proposed resolution establishing policies, procedures and standards shall be attached as an exhibit to the request to establish the zone. The resolution shall be subject to the same notice and hearing requirements as the zoning amendment, including the requirement for a deposit to cover the estimated publishing fee for the resolution, if required.
- (3) At such time as the Planning Commission shall render its decision in the form of a written recommendation to the Board of Supervisors in accordance with the provisions of Section 24-28 of this Chapter on the establishment of a "WP" Zone, they shall also render their recommendation on the content of the resolution and may recommend the inclusion, deletion or any change whatsoever in the contents of the resolution.
- (4) At their hearing held in accordance with Section 24-29 of this Chapter, the Board of Supervisors shall set and hear both the establishment of the "WP" zoning district and the resolution. The provisions of Section 24-29 as they relate to the establishment of the zoning district, including referral back to the Planning Commission, shall also relate to the adoption of the resolution establishing policies, procedures and standards.
- (5) Following the Board of Supervisors' approval of the "WP" Zone and the resolution establishing policies, procedures and standards, a certified copy of said resolution shall be attached as an exhibit to the ordinance creating the "WP" district.

(c) Application

- (1) The "WP" appearing after a zoning designation on the Comprehensive Zoning Plans indicates that the property so classified is subject to the provisions of this Article in addition to those of the underlying district onto which it is overlaid.
- (2) The regulations of the "WP" district specified within the Article and as specified in a resolution of the Board of Supervisors adopting policies, procedures and standards shall prevail over any conflicting regulations of any district onto which the "WP" district is overlaid.

SECTION 24-197 RESERVED

SECTION 24-198 RESERVED

SECTION 24-199 RESERVED

SECTION 24-200 HOME OCCUPATIONS

- (a) Permitted: Notwithstanding any provision to the contrary in this chapter, home occupations as defined in section 24-21.195 are allowed in all zones which allow dwellings and mobile homes except in cases where such occupations are objectionable because of noise, odor, smoke, dust, bright light, vibration, pollution, traffic congestion, unsafe access or the handling of explosives or dangerous materials. In such cases a use permit shall be required. All home occupations shall be subject to the following conditions:

- (1) Employment and work on home occupations shall be limited to members of the family residing on the premises and shall be conducted entirely within their dwelling and auxiliary buildings, except for agricultural uses;
- (2) On-premises advertising for home occupations shall be limited to one (1) unlighted sign with not more than three (3) square feet of display area, and such sign shall not be located in any required yard;
- (3) All equipment, materials and wastes connected with home occupations shall be contained within a building, except for agricultural products.

Board of Supervisors Discussion Item 87-232: Interpretation: Off-sale beer and wine is not an allowed use under the definition of a home occupation.

- (b) Zones: The provisions of this section shall apply to the following zones:

A-2 Ltd.	(Limited General)
A-5	(Agricultural, 5-acre parcels)
A-10	(Agricultural, 10-acre parcels)
*A-15	(Agricultural, 15-acre parcels)
A-20	(Agricultural, 20-acre parcels)
A-40	(Agricultural, 40-acre parcels)
A-160	(Agricultural, 160-acre parcels)
A-R	(Agricultural-Residential)
*AR-1/2	(Agricultural-Residential, 1/2-acre parcels)
*AR-1	(Agricultural-Residential, 1-acre parcels)
AR-5	(Agricultural-Residential, 5-acre parcels)
*AR-10	(Agricultural-Residential, 10-acre parcels)
AR-MH	(Agricultural-Residential, Mobile Home)
*AR-MH-1	(Agricultural-Residential, Mobile Home, 1-acre parcels)
*AR-MH-2-1/2	(Agricultural-Residential, Mobile Home, 2-1/2-acre parcels)
AR-MH-3	(Agricultural-Residential, Mobile Home, 3-acre parcels)
*AR-MH-5	(Agricultural-Residential, Mobile Home, 5-acre parcels)
A-SR	(Agricultural - Suburban Residential)
C-1	(Light Commercial)
C-2	(General Commercial)
C-C	(Community Commercial)
C-F	(Commercial Forestry)
FR-1	(Foothill Recreational, 1-acre parcels)
FR-2	(Foothill Recreational, 2-acre parcels)
*FR-3	(Foothill Recreational, 3-acre parcels)
FR-5	(Foothill Recreational, 5-acre parcels)
FR-10	(Foothill Recreational, 10-acre parcels)
FR-20	(Foothill Recreational, 20-acre parcels)
FR-40	(Foothill Recreational, 40-acre parcels)
FR-160	(Foothill Recreational, 160-acre parcels)
H-C	(Highway Commercial)
*L-I	(Limited Industrial)
M-1	(Light Industrial)
M-2	(Heavy Industrial)
MHP	(Mobile Home Park)
M-R	(Mountain or Recreational Subdivision - Residential)
*PUD	(Planned Unit Development)
R-1	(Residential)
R-2	(Residential)
R-3	(Residential)
R-4	(Residential)
R-1 A&C	(Minimum Density Residential Arts & Crafts)
R-MH	(Residential-Mobile Home)
R-N	(Residential-Nonconforming)
*R-P	(Residential-Professional)
*RT-1/2	(Medium Density Residential Mobile Home)
RT-1-A	(Minimum Density Residential Trailer)
S-H	(Scenic Highway)
S-R	(Suburban Residential)
SR-1/2	(Suburban Residential, 1/2-acre parcels)
SR-1	(Suburban Residential, 1-acre parcels)
*SR-3	(Suburban Residential, 3-acre parcels)
*SR-5	(Suburban Residential, 5-acre parcels)
TM-1	(Timber Mountain, 1-acre parcels)



TM-2	(Timber Mountain, 2-acre parcels)
TM-2-1/2	(Timber Mountain, 2-1/2-acre parcels)
*TM-3	(Timber Mountain, 3-acre parcels)
TM-5	(Timber Mountain, 5-acre parcels)
TM-10	(Timber Mountain, 10-acre parcels)
TM-20	(Timber Mountain, 20-acre parcels)
TM-40	(Timber Mountain, 40-acre parcels)
TM-160	(Timber Mountain, 160-acre parcels)
TPZ-160	(Timber Preserve, 160-acre parcels)
*U	(Unclassified)

\*Allowed by policy.

[Editor's note--Section 4 of Ord. No. 2024, adopted May 8, 1979, amended the Code by adding Sec. 24-200. In order to include the provisions of Sec. 5 of the ordinance, nonamendatory of the Code, the editor has designated the provisions of Sec. 4 as subsec. (1), with Sec. 5 designated as subsec. (b).]

#### SECTION 24-201 DAY CARE FACILITIES

- (a) Purpose and Intent - Quality, affordable, conveniently located, licensed child care is essential to the well being of the citizens of Butte County. The purpose of this code section is to facilitate the establishment of licensed family day care facilities in a manner which simplifies the review process while ensuring conformance with applicable standards to protect residential neighborhoods.
- (b) Definitions:
  - (1) Small Family Day Care - A residential day care facility for six (6) or fewer children, as defined in Chapter 3.4, Article I, Section 1596.79 of the California Health and Safety Code, Child Care Act.
  - (2) Large Family Day Care - A residential day care facility for seven (7) to twelve (12) children, as defined in Chapter 3.4, Article I, Section 1596.79 of the California Health and Safety Code, Child Care Act.
- (c) Allowed uses:
  - (1) Small Family day care facilities shall be an allowed use in all zones that allow a single family residential use.
- (d) Administrative Permit required:
  - (1) Large Family day care facilities shall be an allowed use in all zones that allow a single family residential use, subject to obtaining an Administrative Permit pursuant to Section 24-40 of the Butte County Code.
- (e) Standards and conditions:

Large Family day care facilities allowed by Administrative Permit shall meet all of the following standards and conditions:

- (1) The facility is a single family residence that is the principal residence of the provider and the use is clearly incidental and secondary to the use of the property for residential purposes.
- (2) Properties proposed for Large Family day care shall be located at least 500 feet driving distance from any other Large Family day care property and the granting of the permit shall not result in any residence being bounded on more than one side by a Large Family day care.
- (3) Large Family day care homes shall meet the following traffic control measures:
  - (a) In addition to providing the required number of parking spaces for the residential use, one off-street parking space for each employee of the facility and one off-street parking space/loading area shall be provided. The driveway area may be used to meet this requirement.
  - (b) Large Family day care homes located on principal or minor arterial roads as designated by the General Plan Circulation Element shall provide drop-off and pick-up areas which prevent vehicles from backing onto such roads.
  - (c) Properties proposed for Large Family day care homes shall have frontage on and access off a paved road. Roads that are constructed for the purpose of meeting this requirement shall meet the RS-4C standard as contained in the Butte County Improvement Standards contained in Chapter 20 of the Butte County Code.
- (4) One sign, not to exceed 3 square feet, shall be allowed.
- (5) The Large Family day care home shall be licensed by the California Department of Social Services, Community Care Licensing.
- (6) Meet all State Fire Marshall regulations pertaining to Large Family day care facilities.
- (7) The applicant must meet all other applicable County and State ordinances, statutes, and regulations.
- (8) Facilities not meeting the above standards shall require a Conditional Use Permit to operate.

(f) SUBMITTAL REQUIREMENTS

An application for an Administrative Permit for a Large Family day care shall be made in writing on a form, including supplemental information or material, as prescribed by the Planning Director.

Board of Supervisors Discussion Item 87-405: Day care facilities for over twelve (12) children should be considered schools regardless of whether the applicant is a non-profit organization. These facilities are allowed in all zones having a provision for public/quasi-public uses subject to first securing a use permit.

## SECTION 24-202 SENIOR CITIZENS DWELLING UNIT

- (a) Purpose and intent - The purpose and intent of this section is to facilitate the provisions of quality affordable housing for persons sixty-two (62) years of age or over in conformance with Section 65852 et seq. of the California Government Code while still preserving the character and integrity of single family residential zones throughout the County and in conformance with the policies of the Butte County General Plan.

(b) Definition:

A Senior Citizen Dwelling Unit as a second dwelling on a parcel or lot, which is attached to or detached from the primary residence. The dwelling unit intended for the sole occupancy of one adult aged sixty-two (62) years or over, or two (2) adult persons, one of whom is sixty-two (62) years of age or over.

(c) Administrative Permit required:

A Senior Citizen Dwelling Unit shall be permitted in all zoning classifications listed in Chapter 24 of the Butte County Code which allow a single family dwelling as a permitted use, subject to obtaining an Administrative Permit pursuant to Section 24-40.

(d) Standards and conditions:

Senior Citizen Dwelling Units allowed by Administrative Permit shall meet all of the following standards and conditions:

- (1) The lot or parcel on which the senior citizen dwelling unit is proposed contains an existing single-family dwelling unit.
- (2) The "living area", meaning the interior habitable floor space area of a dwelling unit including basements and attics, but not including a garage or any accessory structure, shall not exceed 1,200 square feet for a detached senior citizen dwelling unit. The "living area" of an attached dwelling unit shall not exceed six hundred-forty (640) square feet or thirty (30) percent of the existing single-family dwelling unit living area, whichever is greater.
- (3) The Senior Citizen Dwelling Unit is intended for the sole occupancy of one (1) adult sixty-two (62) years of age or over or two (2) adult persons, one of whom is sixty-two (62) years of age or over. An affidavit of compliance with the age requirements of this section shall be recorded in the office of the Recorder prior to issuance of building permits. Said affidavit shall include the legal description of the lot or parcel and shall constitute a covenant running with the land, binding upon the original owners and their heirs, successors and assigns, limiting the occupancy of the senior citizen dwelling unit to the conditions described in this section.
- (4) The Senior Citizen Dwelling Unit shall not be sold as a separate unit unless a parcel containing the unit is created in compliance with the existing zoning and subdivision ordinances and the resulting density is in conformance with the General Plan.



- (5) Two off-street parking spaces shall be provided for the senior citizen dwelling unit in addition to the parking spaces required for the primary dwelling unit.
- (6) Adequate sewer and water facilities shall be provided subject to the approval of the Environmental Health Department.
- (7) All site development standards as required by the zoning district in which the unit is located shall be met.
- (8) The Senior Citizen Dwelling Unit shall be a conventionally constructed building or a mobile home that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974, except that in the "A", "FR", and "TM" series of zones a mobile home, as defined in Section 24-21.28, may be used. Travel trailers and recreational vehicles shall not be allowed as a Senior Citizen Dwelling Unit.
- (9) The approval of this permit constitutes approval only to the extent that the project complies with the Butte County Code and all other applicable regulations.
- (10) Any proposed grading which will create cuts or fills in excess of 18" for roads, driveways, building sites, drainage ways or ditches on parcels shall be shown on the map included with the application and shall be reviewed and approved by the Department of Public Works.
- (11) The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.

(e) SUBMITTAL REQUIREMENTS

An application for an administrative permit for a senior citizen dwelling unit shall be made in writing on a form, including supplemental information or material, as prescribed by the Planning Director.

**SECTION 24-203 MOBILE HOMES IN RESIDENTIAL ZONES**

Notwithstanding any provisions to the contrary in this chapter the single-family zones listed in section (a) below allow recreational vehicles as defined herein subject to any applicable square footage requirements.

- (a) Zones: The provisions of this section shall apply to the following zones:

- A-2 (General)
- A-2 Ltd. (Limited General)
- A-5 (Agricultural)
- \*A-15 (Agricultural)
- A-10 (Agricultural)
- A-20 (Agricultural)
- A-40 (Agricultural)
- A-160 (Agricultural)
- AR-MH-1 (Agricultural-Residential - Mobile Home)

- \*AR-MH-2-1/2 (Agricultural-Residential - Mobile Home)
- AR-MH-3 (Agricultural-Residential - Mobile Home)
- \*AR-MH-5 (Agricultural-Residential - Mobile Home)
- C-1 (Light Commercial)
- C-2 (General Commercial)
- \*FR-1 (Foothill Recreational)
- FR-2 (Foothill Recreational)
- FR-3 (Foothill Recreational)
- FR-5 (Foothill Recreational)
- FR-10 (Foothill Recreational)
- FR-20 (Foothill Recreational)
- FR-40 (Foothill Recreational)
- FR-160 (Foothill Recreational)
- M-1 (Light Industrial)
- M-2 (Heavy Industrial)
- MHP (Mobile Home Park)
- M-R (Mountain or Recreational Subdivision - Residential)
- R-MH (Residential Mobile Home)
- \*RT-1/2 (Medium Density Residential Mobile Home)
- RT-1 (Minimum Density Residential Mobile Home)
- RT-1-A (Minimum Density Residential Trailer)
- TM-1 (Timber Mountain)
- TM-2 (Timber Mountain)
- TM-2-1/2 (Timber Mountain)
- TM-3 (Timber Mountain)
- TM-5 (Timber Mountain)
- TM-10 (Timber Mountain)
- TM-20 (Timber Mountain)
- TM-40 (Timber Mountain)
- TM-160 (Timber Mountain)
- TPZ-160 (Timber Preserve Zone)

\*Allowed by policy.

#### SECTION 24-303 FINDINGS AND INTENT FOR TEMPORARY MOBILE HOMES

The Board of Supervisors has found that for the health, safety and welfare of the people of the County that it has often become necessary, for the care of persons who by reason of old age, disease (either mental or physical), infirmity or other cause, are unable, unassisted, properly to manage and take care of themselves or would benefit from familial assistance, to allow mobile homes to be placed on smaller parcels than present County codes or ordinances permit so that such persons will not have to be institutionalized, but rather can reside near their close relatives who can help care for them. The ability to care for one's close relatives will not only result in better care for citizens, but will also negate in many situations the necessity for public assistance which many citizens find degrading and damaging to the pride of the persons concerned and their immediate relatives. This will also provide privacy and dignity for the relative as well as independence, of which these people are deserving.

#### SECTION 24-304 PROVISIONS FOR TEMPORARY MOBILE HOMES

Notwithstanding any provision to the contrary in this chapter, a second unit, a mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974, may be placed on any legal lot in ALL residential zones subject to the following conditions:

(a) Conditions:

- (1) A use permit has been approved by the Butte County Planning Commission or Butte County Board of Supervisors in accordance with Butte County Code Sections 24-43 through 24-48 inclusive.
  - (2) Occupancy of the mobile home is limited to a close friend, or a relative by blood or marriage and an affidavit attesting to the relationship of the involved parties shall be submitted with the use permit application.
  - (3) No rent is charged to the occupant of the mobile home.
  - (4) The mobile home may be owned by either the owner of the property on which it is placed, or by person residing therein.
  - (5) The site shall either be served by sanitary sewers or have sufficient area and dimension to provide for the proper installation, maintenance and expansion of a septic tank system of sufficient size and design to serve both dwelling units.
  - (6) The placement of the mobile home shall not be subject to the additional site requirements of the residential zoning district.
  - (7) The mobile home is a temporary use on the property, accessory to the primary residence and shall not be placed on a permanent foundation.
- (b) The use permit granted hereunder shall be for the term of two years. The Planning Commission upon application of the property owner and without a public hearing, may grant an extension of such use permit for periods not exceeding one year. In the event that the applicant who is residing within the mobile home or the conventional residence for any reason moves to another location or is deceased, then in that event the use permit granted herein automatically expires and the mobile home shall be removed within one hundred twenty (120) days. In the event the mobile home is not removed within one hundred twenty (120) days pursuant to the term of the use permit the County shall remove said mobile home and store it at the owner's expense. The County may require either a deposit or bond sufficient to cover the removal expense at the time the application for the use permit is approved. The amount of such deposit or bond shall be determined at the time of the hearing for the use permit. The request for the use permit shall be signed by both the applicant and the relative or other person to receive or render assistance, and shall provide that Butte County is given a right to enter the property for the removal of (and the right to remove) the mobile home, and store same at the sole cost and expense of the applicant.

The use permit may be revoked if any of the terms or conditions of such permit are violated or if any acts or omissions of the permittee in connection with the use authorized by said permit constitute a public nuisance.

Board of Supervisors Discussion Item 85-520: Interpretation of possibility of two temporary mobile homes as additional dwellings being installed on one parcel: the reference to a "second unit" means only two.



## APPENDIX A

### Resolution No. 79-20

#### PROCEDURE FOR TIMBER PRESERVE ZONING

##### I. INITIAL ZONING

- A. The owner or owners shall submit, on form provided by the Planning Department, an application to the Planning Department. If the application is incomplete, the owner or owners shall be so notified. If the application is determined to be complete, the Planning Director shall send a copy to the forest property appraiser for the appraiser's recommendation.
- B. The Planning Commission shall set a public hearing on the proposed zoning. Notice of the time, date and place of said hearing, including a general explanation of the matter to be considered and including a general description of the area affected, shall be given at least ten (10) calendar days before the hearing in the following manner:
  1. Notice shall be published at least once in a newspaper of general circulation, published and circulated in the county.
  2. Notice of the hearing shall be given by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred (300) feet of the property which is the subject to the proposed zoning change.
  3. In the event that the number of persons to whom notices would be sent pursuant to subdivision (2) hereof is greater than one thousand (1000), the Planning Commission may, as an alternative to the notice required by subdivision (2), provide notice pursuant to this subdivision. Such notice shall be given at least ten (10) days prior to the hearing by either of the following procedures:
    - a. By placing a display advertisement of at least one-fourth page in the newspaper having the greatest circulation within the area affected by the proposed zoning change and at least one additional newspaper having general circulation within such area, if such additional newspaper is available, or
    - b. By placing an insert with any generalized mailing sent by the county to property owners in the area affected by the proposed zoning change, such as billings for county service areas.

- C. Any evidence to be received by the Planning Commission at the public hearing, other than oral testimony, unless rejected by the Planning Commission when offered, shall be surrendered to the Clerk of the Commission and become the property of the County of Butte. The Planning Director shall be the custodian of the record of the Planning Commission and shall keep, for at least twelve (12) months following this presentation to the Commission, all evidence received by the Commission at a public hearing. At any time after twelve (12) months following this presentation, the Planning Director may dispose of any such evidence in any manner the Director shall deem proper. The Planning Director may, upon the expiration of twelve (12) months following a public hearing, release any evidence to the person or persons who presented that evidence at the public hearing so long as such person or persons request in writing to the Planning Director not more than sixty (60) days nor less than thirty (30) days prior to the expiration of the twelve (12) month period.
1. Notwithstanding the provisions of the above paragraph, the Planning Director shall forward to the Clerk of the Board of Supervisors all evidence received when the matter heard by the Planning Commission results in a recommendation to the Board of Supervisors from the action of the Planning Commission. Upon receipt by the Clerk of the Board of Supervisors of the evidence forwarded pursuant to this section, the Clerk of the Board of Supervisors shall become public custodian thereof and the twelve (12) month period shall commence after final action by the Board of Supervisors.
- D. Following the public hearing, the Planning Commission shall render its decision in the form of a written recommendation to the Board of Supervisors. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed amendment to the Butte County General Plan and any specific plan. The recommendation shall be transmitted to the Board of Supervisors within ninety (90) days after the date the hearing was closed to the public.
- E. Upon receipt of any recommendations from the Planning Commission which recommends that the zoning proposal be approved, the Board of Supervisors shall set the matter for a public hearing and shall give notice of the time, date and place of said hearing at least ten (10) days prior to the hearing in the same manner as provided for the giving of notice by the Planning Commission. In any case in which the recommendation of the Planning Commission is to deny the proposed rezone, the Board of Supervisors shall not be required to take any further action thereon unless the owner or owners shall request such a hearing by filing a written request therefor with the Clerk of the Board not later than 5:00 p.m. on the fifth day following the date the Planning Commission files its recommendation with the Board; provided, that if said fifth day falls on a legal holiday, the request for hearing may be filed by 5:00 p.m. on the next day in which the office of the Clerk is open for business. Upon



receipt of such a request for hearing, the Clerk shall immediately forward a copy of said request to the Planning Commission.

If the Board of Supervisors sets a hearing following the recommendation for approval by the Planning Commission, or if the owner or owners request such public hearing following a denial by the Planning Commission, the Board of Supervisors shall take action upon the proposed zoning within ninety (90) days from the date of receipt of the Planning Commission's initial recommendation. If no action is taken within said ninety (90) days, the proposed zoning shall be deemed denied.

- F. An owner or owners whose proposed zoning to TPZ is denied may petition the Board of Supervisors for a rehearing on the proposed zoning.

## II. REZONING FROM TIMBER PRESERVE ZONE

- A. The owner or owners shall submit a written application requesting rezoning to the Planning Department at least ninety (90) days prior to the anniversary date of the initial zoning. Hearings shall be held as provided for in Part I, Paragraphs B through E.
- B. The Board of Supervisors may approve, modify or disapprove the recommendations of the Planning Commission; provided that any modification of the proposed amendment by the Board shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the modification is referred to it shall be deemed to be approval of the proposed modification by the Planning Commission.
- C. All actions by the Planning Commission and the Board of Supervisors shall be completed within one hundred twenty (120) days of receipt of the written notice of the owner or owners desiring to rezone the parcel or parcels. If action is not completed within one hundred twenty (120) days, the petition for rezone shall be deemed denied.
- D. The decision of the Planning Commission and the Board of Supervisors shall be by majority vote of the full body.
- E. If the owner or owners' petition for rezone is approved, the new zone shall become effective ten (10) years from the date of approval.
- F. If the owner or owners' petition for the rezone is denied, the owner or owners may petition the Board of Supervisors for a rehearing.



### III. BOARD OF SUPERVISORS' REZONE

- A. If the Board of Supervisors, after a public hearing held as provided for in Part I, Paragraphs B through E, and Part II, Paragraphs C and D, and by a majority vote of the full body, decides not to extend the term of zoning, written notice shall be given of such nonrenewal to the owner or owners of the parcels. The written notice shall contain the proposed new zone to be established. Such written notice shall be given at least ninety (90) days prior to the anniversary date of the initial zoning to timber preserve zone.
- B. Upon receipt by the owner or owners of the parcels of the notice of intention of nonrenewal by the Board of Supervisors, the owner or owners may file a written appeal of such notice to the Board of Supervisors within thirty (30) days of receipt of said notice of nonrenewal.
- C. Upon receipt from the owner or owners of a written protest of the zoning change, the Board of Supervisors shall hold a public hearing on the proposed change. The Board of Supervisors may reaffirm its intent to change the zoning by majority vote of the full body.
- D. Hearings on the proposed new zone shall be held as provided for in Part I, Paragraphs B through E, and Part II, Paragraphs B, D, and E.
- E. The owner or owners may petition the Board of Supervisors for a rehearing.

### IV. IMMEDIATE REZONING - Conversion Required

- A. If the owner or owners of parcels have applied for conversion of timber land pursuant to Section 4621 of the Public Resources Code, the Board of Supervisors may tentatively approve the immediate rezoning of the parcel by a four-fifths vote of the full body. Hearings and notices of hearings shall be as provided for in Part I, Paragraph E. In addition, all owners of land situated within one mile of the exterior boundary of the parcel or parcels upon which immediate rezoning is proposed shall be given written notice.
- B. On the basis of the information presented to the Board of Supervisors at the hearing, the Board of Supervisors may tentatively approve immediate rezoning of the parcel or parcels when it finds that the immediate rezoning is not inconsistent with the purposes of subdivision (j) of section 3 of Article XIII of the Constitution of the State of California and of sections 51000 et seq. of the Government Code and that the immediate rezoning is in the public interest.
- C. The application for immediate rezoning with the Board's tentative approval shall be forwarded to the State Board of Forestry, together with a summary of the public hearing and any other information required by the Board of Forestry. If the State Board of Forestry approves the conversion pursuant to

Section 4621.2 of the Public Resources Code, the Board of Supervisors' tentative approval shall become final.

- D. If the Board of Supervisors' tentative approval for immediate rezoning becomes final, the Board shall specify a new zone. Hearing procedures on the new zone shall be the same as in Part I, Paragraphs B through E, and Part II, Paragraphs B, D, and E.

V. IMMEDIATE REZONING - No Conversion Required

- A. An owner or owners of parcels shall file an application with the Planning Department.
- B. Hearing procedures shall be held as in Part I, Paragraphs B through E, and Part II, Paragraphs B, D, and E.
- C. The Board of Supervisors may approve the immediate rezoning only if by a four-fifths vote of the full Board it makes written findings that:
1. The immediate rezoning would be in the public interest; and
  2. The immediate rezoning does not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland preserve and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed;
  3. The soils, slopes, and watershed conditions will be suitable for the uses proposed by the applicant if the immediate rezoning is approved;
  4. The immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution and of this chapter.
- D. The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning pursuant to this section. Immediate rezoning shall be considered only if there is no proximate and suitable land which is not zoned timberland preserve for the alternate use not permitted within a timberland preserve zone.
- E. The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning pursuant to this section. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber-growing use to which the land may be put.

## VI. ADDITIONS TO EXISTING TIMBER PRESERVE ZONES

- A. An owner or owners of parcels already zoned as timberland preserve may petition the Board of Supervisors to add to said timberland preserve zone, contiguous parcels.
- B. Such parcel or parcels must be devoted to and used for the growing and harvesting of timber or for the growing and harvesting of timber and compatible uses which is/are in compliance with part (1) of Section 24-190 of the Butte County Code, and which is/are capable of growing an annual average volume of wood fiber of at least fifteen (15) cubic feet per acre.
- C. If said parcels meet the requirements of B above, the Board of Supervisors may add the parcels to the Timber Preserve Zone.



## APPENDIX B

### Resolution No. 81-229

#### RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE, ESTABLISHING PROCEDURES PERMITTING PROPERTY OWNERS TO ENTER INTO DEVELOPMENT AGREEMENTS WITH THE COUNTY PURSUANT TO GOVERNMENT CODE SECTION 68565 ET SEQ.

WHEREAS, this Board wishes to provide greater certainty to real estate developers as to their ability to proceed with development projects which are found to be consistent with the Butte County General Plan and conform with all applicable County regulations; and

WHEREAS, the State Legislature by enacting Government Code Sections 65864 through 65869.5, effective January 1, 1980, has authorized the County to enter into development agreements which would help to provide such certainty; and

WHEREAS, such agreements may also serve to reduce County processing time through the combining and concurrent processing of related applications which are now considered sequentially; and

WHEREAS, such agreements will enable the County to enforce conditions imposed upon a development by contract law principles as an alternative to other existing means of legal enforcement.

NOW, THEREFORE, BE IT RESOLVED that the following procedures are adopted:

#### DEVELOPMENT AGREEMENT PROCEDURES AND REQUIREMENTS

##### A. Application

1. Consideration of a development agreement pursuant to Article 2.5, Chapter 4, Title 7 of the California Government Code, commencing with Section 65864, shall be initiated by an applicant (who shall be joined therein by the owner if the applicant is not the fee owner) and collectively hereinafter called Applicant, filing an application for such consideration with the Butte County Planning Department.

##### The application shall include:

- a. A proposed agreement which shall reflect the following:

- (1) A legal description of property sought to be covered by the agreement.
  - (2) A description of the proposed uses, height and size of buildings, density or intensity of use, and provisions for reservation or dedication of land for public purposes.
  - (3) All conditions, terms, restrictions, and requirements for subsequent County discretionary actions.
  - (4) The proposed time when construction would be commenced and completed, both as to the entire project and as to all phases thereof.
  - (5) The termination date for the agreement.
- b. Sufficient information to enable the Planning Department to perform an initial study pursuant to Public Resources Code Section 21660.
  - c. Sufficient information to establish that the project is consistent with the Butte County General Plan.
  - d. Such other information as the County may require to satisfy other requirements of law.
2. The application shall be considered an application for a Development Project as the term is used in Chapter 4.5, Title 7 of the Government Code (commencing with Section 65920).
  3. Not later than 30 calendar days after receipt of an application, the Planning Department shall determine in writing whether or not the application is complete and shall transmit such determination to the Applicant. If the Planning Department does not respond within said 30 days, the application shall be deemed complete.

B. Recommendation and Transmittal

The Planning Department shall, at Applicant's expense and in accordance with adopted County procedures for implementation of CEQA, accomplish appropriate environmental investigations and, upon completion of such investigations, transmit the application, together with the Planning Department's recommendations thereon, to the County Planning Commission.

C. Planning Commission Action

1. Upon receipt of an application, the results of the environmental investigation and the recommendations of the Planning Department, the Planning Commission shall schedule a public hearing to consider the application. (The hearing shall be preceded by public notice given in the same manner as for a zone change.) Notice of Intention to consider adoption of a development agreement shall be given as provided in California Government Code Sections 65854, 65854.5, and 65856, in addition to such other notice as may be required by law for other actions to be considered concurrently with the development agreement.
2. Following the public hearings, the Board of Supervisors shall conditionally or unconditionally approve, disapprove or approve as modified by the Board the application, and if approved or approved as modified, shall authorize the Chairman of the Board of Supervisors to execute said agreement on behalf of the County. Formal approval of a development agreement shall be accomplished by ordinance (65867.5). A development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.
3. No agreement shall be executed by the Chairman of the Board of Supervisors until it has been executed by the Applicant. If the Applicant has not executed the agreement, or agreement as modified by the Board of Supervisors, and returned said executed agreement to the Chairman for his execution within 30 days of Board approval, said application shall be deemed withdrawn by Applicant and the Chairman shall not execute the agreement.
4. Within 10 days after the Chairman executes a development agreement, the Clerk of the Board of Supervisors shall cause a copy thereof to be recorded.
5. All agreement provisions are subject to modification or suspension as set forth in Article 2.5, Chapter 4, Title 7 of the California Government Code, commencing with Section 65854.

D. Annual Review

1. All development agreements shall be reviewed by the Planning Commission at least once every twelve months, unless the agreement provides for more frequent review, in which case the agreement shall prevail.



2. The purpose of the review shall be to inquire into the good faith compliance of the Applicant with the terms of the agreement, and in the case of an agreement which provides for more frequent review, for any other purpose which may be specified in such agreement. The burden of demonstrating good faith compliance shall rest with Applicant.
3. Prior to each review, the Planning Department shall file a report with the Planning Commission relative to all development which has occurred under the agreement subsequent to the last past review and any other matters which the Planning Department wishes to bring to the Planning Commission's attention.
4. If, following a review of an agreement, it is determined that the agreement should be terminated or modified, the matter shall be referred to the Board of Supervisors for proceedings for termination or modification.
5. If the Board of Supervisors finds and determined, on the basis of substantial evidence, that the applicant or its successor in interest has not complied in good faith with the terms and conditions of the agreement, the Board of Supervisors may terminate or modify the agreement.

E. Termination, Cancellation, Modification and Amendment of Development Agreements

Any development agreement may be cancelled or amended by mutual consent of the Applicant (or its successor in interest) and the County in the same manner as set forth above for entering into such agreements.

## APPENDIX C

### Addendum

#### Board of Supervisors Discussion Items

- 77-2463 Clarification of A-2 Ltd. definition of single-family dwellings: A-2 Ltd. allows single-family dwellings including mobile homes.
- 78-459 Discussion -- Mobile homes in commercial zones: Mobile homes can be allowed in these areas. Another interpretation relates to office mobile homes; these should be allowed in C-2 and A-2 Ltd.
- 83-233 Small hydro generating projects of 5 megawatts or less are considered a permitted use in the F-R, T-M and C-F Zones.
- 84-259 Churches are a compatible use in agricultural preserves.
- 84-798 Storage reservoirs and irrigation areas for the disposal of treated water from sewage treatment plants are compatible uses within any agricultural preserve within the County of Butte as well as with any Land Conservation Agreement for orchards, field crops, or grazing purposes.
- 86-147 A public/quasi-public use requires a use Permit in the A-5 zone; private kennels in all agricultural zones will be required to go through the use permit process before a use permit will be issued.
- 86-163 Interpretation of Section 24-20(d): The existing code section allows an applicant to add structures and storage buildings which were not listed on his original building permit application for a radio broadcast tower.
- 86-296 Development permits for residential use on those lots of Butte Meadows (leases established in 1940 and 1950) leased from Steidlmayer; in Jonesville (1940 and 1950), leased from Minderman et al.; and at Philbrook Lake (1930 and 1940) leased from PG&E, are allowed, finding that the development of the leaseholds conforms to the density established by previous governmental action with or without subdivision of the parcel, and, therefore, a use permit would not be required to develop these "lots."
- 86-628 Interpretation of code relating to fish farm with fishing pond open to the public, fish sales, 18-space RV park and eight campsites in an A-20 zone: The provisions for hunting and fishing camps in the A-10, -20, -40, and -160 zones were intended to apply to seasonal club activities and similar uses.
- 87-92 A public entity which has established a legal nonconforming use may add an accessory structure to expand an existing transmission facility on the property by erecting a microwave radio communications antenna.
- 87-358 Interpretation of a request to install a mobile home to serve as construction headquarters and residence to be occupied by an employee of a construction firm working on Highway 99: Temporary land use, including equipment and material storage, construction

offices, residences, etc., is an allowed use in all zones, said land use limited to one year. The Board of Supervisors shall review the temporary land use annually from the date of issuance of the first permit for the purpose of determining the necessity of the continued temporary use. The Board of Supervisors retains the right to refuse to extend the temporary use in the event the Board determines that the permittee has failed to demonstrate good faith in completing the construction project.

- 87-405 Interpretation -- pre-school child care center in an AR-MH-2-1/2 Zone: Day care facilities for over twelve (12) children should be considered schools regardless of whether the applicant is a non-profit organization. These facilities are allowed in all zones having a provision for public/quasi-public uses subject to first securing a use permit.
- 87-439 Interpretation of a "mobile home only" zone: It is the Board's policy that they would not have zoning which excludes only particular kinds of housing [and would permit any type of housing] as long as it is up to code.
- 87-440 Installation of additional older (non-code) mobiles should be restricted to the A, F-R and T-M zones, should be authorized as "Aunt Minnies" in only these zones, and only with use permits. Older mobiles would continue to be allowed in mobile home parks (by use permit in all residential zones in the new code). [This discussion pertained to the proposed zoning ordinance.]
- 88-272 Interpretation of the Butte County Code regarding private airstrips. The Board finds that private airstrips/airports used for dusting and seeding in the agricultural zones (A-5, A-10, A-40, A-160) are considered to be an accessory to agriculture (Code Section 24-21.1).
- 88-505 Interpretation of wineries as agricultural processing plants. The Board finds a tasting room as an accessory building to a winery would require a Use Permit.
- 89-118 Interpretation of wood processing plants in the agricultural zones. The Board finds pursuant to Code Section 24-20, Sub. Paragraph (d), that in the agricultural zones (A-5 through A-160) wood processing plants can only be considered for wood grown on-site or on other lands under the same ownership.
- 89-172 Interpretation of whether agricultural buildings are allowed in zones that do not specify agriculture as an allowed use. It is the Board's policy that agricultural buildings are not an allowed use in the C-1, C-2, C-C, C-F, E-C, L-I, M-1, M-2, MHP, R-1A&C, R-2, R-3, R-4, R-MH, R-N, RT-1/2, and RT-1A zones.
- 89-289 Interpretation of Butte County Code Section 24-117, M-2 Zone, regarding subsection (b) uses requiring use permits. The Board finds that the provisions of Code Section 24-117 Section (a) and Section (b) conflict regarding canneries and agricultural processing plants. Therefore, the Board determines the canneries and other agricultural processing plants are permitted uses and do not require use permits.



- 89-372 Interpretation of Auto Repair Businesses as Home Occupations. The Board finds that an auto repair business does not meet the requirements of the Butte County Code and should not be considered as a home occupation.
- 89-503 Interpretation of Butte County Code Regarding Micro-Brewery: On a Motion by Supervisor Vercruse, seconded by Supervisor McLaughlin and unanimously carried the Board finds since Mr. Allison proceeded with his brewery, including purchasing the brewing equipment, based upon a preliminary O.K. given by phone from the Planning Department and the business does meet the current ordinance requirements, approval for this project should be given. Future requests should be deferred until the Planning Commission has made their recommendations to the Board of Supervisors on revising the home occupation ordinance.
- 89-537 Interpretation of Butte County Code regarding fish ponds and accessory uses in agricultural zones. On a Motion by Supervisor McLaughlin, seconded by Supervisor Dolan, and unanimously carried the Board finds that (1) sale of beer and wine, establishment of a bait and tackle store, the selling of food products not grown or produced on-site, and the operation of a "smoke house" for the curing and smoking of meat products, is not compatible within an agricultural zone; (2) find that the accessory uses to an aquaculture operation include allowing on-site fishing for the public, the rental of fishing equipment, the sale of bait and fishing tackle necessary for on-site fishing, the cleaning, preparation and sale of fish produced on-site, including smoke fish grown on-site; and (3) recommend that the Board direct the Planning Commission to review the definition of agricultural-processing and forward recommendations.
- 90-285 Interpretation of Butte County Code regarding allowing more than six (6) boys in a group home operated under the California Department of Social Services. On a Motion by Supervisor Vercruse, seconded by Supervisor Fulton, and unanimously carried, the Board moved to allow the continuation of seven (7) boys as allowed under State licensing requirements pursuant to a stipulation that the applicant apply for and obtain a Use Permit, conforming to the conditions of the Use Permit as granted.
- 91-362 Interpretation of Butte County Code regarding Agricultural Processing Facilities. On a Motion by Supervisor Campbell, seconded by Supervisor McLaughlin, and carried the Board finds that staff provide interim interdepartmental site review of these projects.
- 91-529 Interpretation of Butte County Code regarding the Use of Land Zoned For Agricultural Uses for Equestrian Facilities, arenas, and stables. On a Motion by Supervisor McInturf, seconded by Supervisor McLaughlin, and unanimously carried that the Board finds these uses should be regulated by Conditional Use Permit.

Planning Commission Discussion Item

- M-2 Interpretation: Based on the information provided by North State Tractor, the proposed operation and materials that are to be used in the operation are not similar to the example cited in Section

24-117, M-2, Heavy Industrial Zone, as permitted uses, but they are mostly related to the materials and processes that are cited in paragraph (b) under the same section, items 3, 5, and 6 under the conditional uses, [so] the operation will require a Use Permit.

## APPENDIX D

### Chapter 13

#### MINING AND DREDGING

##### ARTICLE 1. RESERVED

##### SECTIONS 13-1 - 13-100 RESERVED

##### ARTICLE II. REPLACEMENT OF MATERIAL DISPLACED IN SURFACE MINING OPERATIONS

##### SECTION 13-101 PURPOSE AND INTENT

It is the purpose and intent of the board of supervisors to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:

- (a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land use.
- (b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage and aesthetic enjoyment.
- (c) Residual hazards to the public health and safety are eliminated.
- (d) The extraction of minerals is essential to the continued economic well-being of the county and to the needs of society, and that reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
- (e) The reclamation of mined lands as provided in this article will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.
- (f) Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications therefor may vary accordingly.

##### SECTION 13-102 DEFINITIONS

Exploration or prospecting: The search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quality of the minerals present.



Mined lands: Includes the surface, subsurface and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, working, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations, are located.

Minerals: Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, sand, gravel, aggregate, coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

Mining waste: Includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations.

Operator: Any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

Overburden: Soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.

Permit: Any authorization from, or approval by, the county, the absence of which would preclude surface mining operations.

Person: Any individual, firm, association, corporation, organization or partnership, or any city, county, district or the state or any department or agency thereof.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

State board: State mining and geology board, in the department of conservation, State of California.

State geologist: Individual holding office as structured in section 677 of article 3, chapter 2 of division 1 of the Public Resources Code.

Surface mining operations: All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed,

mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) In-place distillation, restoring or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

#### SECTION 13-103 SCOPE

- (a) The provisions of this article shall apply to the unincorporated areas of Butte County, except national forest lands.
- (b) The provisions of this article are not applicable to:
  - (1) Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
  - (2) Prospecting for, or the extraction of, minerals for commercial purposes or the removal of overburden in total amounts of less than one thousand (1,000) cubic yards in any one location of one (1) acre or less.
  - (3) Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.
  - (4) Such other mining operations that the county determines to be of an infrequent nature, and which involve only minor surface disturbances and are categorically identified by the state board pursuant to sections 42714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975.

#### SECTION 13-104 PERMIT AND RECLAMATION PLAN REQUIREMENT

- (a) Any person, except as provided in section 2776, California Surface Mining and Reclamation Act of 1975, who proposes to engage in surface mining operations as defined in this article, shall, prior to the commencement of such operations, obtain (1) a permit to mine, and (2) approval of a reclamation plan, in accordance with the provisions set forth in this article and as further provided in article 5, California Surface Mining and Reclamation Act of 1975. A fee in the amount of twenty-five dollars (\$25.00) shall be paid to the public works department at the time of filing. For existing operating mines, a reclamation plan shall be filed by May 1, 1978, for planning commission review and approval. The reclamation plan shall provide for the

reclamation of the area disturbed by surface mining operations in those portions of the site mined after January 1, 1976. A fee in the amount of twenty-five dollars (\$25.00) shall be paid to the public works department at the time of filing of the reclamation plan.

All applications for a reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the public works department, and as provided for by section 2772 of the California Surface Mining and Reclamation Act of 1975.

- (b) No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this article as long as such vested right continues; provided that no substantial change is made in that operation except in accordance with the provisions of this article. A person shall be deemed to have such vested rights, if, prior to January 1, 1976, he has, in good faith and in reliance upon a permit or other authorization, if such permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the planning commission by May 1, 1978, a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the County of Butte prior to January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in accordance with that plan. Nothing in this article shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976.

- (c) The state geologist shall be notified of the filing of all permit applications.
- (d) This article shall be reviewed annually and revised, as necessary, in order to ensure that it is in accordance with the state policy for mined lands reclamation and to encourage the mining industry of Butte County.

#### **SECTION 13-105 APPLICATION; REVIEW PROCEDURE**

The planning commission shall, in the same manner as provided for in section 24-46 of chapter 24 of this Code, schedule a public hearing within twenty (20) days of the completion of the environmental review procedure and filing of all documents as required by the county public works department.



The planning commission, on the basis of evidence submitted at the hearing, may approve the reclamation plan and grant the mining permit.

The determination of the planning commission shall be final unless a written appeal is filed in the same manner as provided for in section 24-48 of chapter 24 of this Code.

#### **SECTION 13-106 PERFORMANCE BOND OR OTHER SECURITY DEVICE**

Upon a finding by the planning commission that a supplemental guarantee for the reclamation of the mined land is necessary and upon the determination by the public works department of the cost of the reclamation of the mined land according to the reclamation plan, a reasonable surety bond, lien on the property or a portion thereof, or other security guarantee conditioned upon the faithful performance of the reclamation plan shall be filed with the public works department. Such surety shall be executed in favor of the County of Butte and reviewed and revised, as necessary, biannually. Such surety shall be maintained in an amount equal to the cost of completing the remaining reclamation of the site as prescribed in the approved or amended reclamation plan during the succeeding two-year period or other reasonable term.

#### **SECTION 13-107 PUBLIC RECORDS**

Reclamation plans, reports, applications and other documents submitted pursuant to this article are public records, unless it can be demonstrated to the satisfaction of the county that the release of such information, or part thereof, would reveal production, reserves or rate of depletion entitled to protection as proprietary information. The applicant shall have the right to identify what, in his opinion, is proprietary information. The county shall identify proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications and other documents submitted pursuant to this article, including proprietary information, shall be furnished to the state geologist by the County of Butte. Proprietary information shall be made available to persons other than the state geologist only when authorized by the mine operator and by the mine owner in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975.

#### **SECTION 13-108 STANDARDS**

Standards governing the operational aspects of the surface mining activity shall be as established by the board of supervisors by resolution.

#### **SECTION 13-109 PERIODIC REVIEW**

As a condition of approval for the permit or the reclamation plan, or both, periodic inspections of the site by the public works department shall be made to evaluate continuing compliance with the permit and the reclamation plan.

#### **SECTION 13-110 AMENDMENTS**

Amendments to an approved reclamation plan may be submitted to the planning commission any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with and approved by the planning commission.

The planning commission shall set a public hearing in the same manner as is provided for in section 13-105.

#### **SECTION 13-111 ESTABLISHMENT OF MINING COMMITTEE**

A mining committee shall be established with a member appointed by each supervisor from the aggregate and mining community of his district, to serve for a two-year term. The committee will act as an advisory board to the public works department, planning commission and the board of supervisors. All matters pertaining to setting of standards and ordinance modifications regarding surface mining will first be referred to this committee for review and recommendation.

#### **SECTION 13-112 ENFORCEMENT**

The provisions of this article shall be enforced by the public works director of any authorized member of the public works department. The public works director may suspend the permit for a period not to exceed fifteen (15) days where continuation of the violation will adversely affect the public; provided, however, written notification shall have previously been sent to the operator. In the event of a suspension, or should the public works director request disciplinary action, the planning commission shall immediately set a hearing thereon with not less than five (5) days' notice to the operator. The planning commission, after completion of the hearing, may suspend or revoke the permit, or modify the permit, or may place the operator on probation should the violation found to exist be of a serious nature, adversely affecting the health and welfare of the residents of the county.

#### **SECTION 13-113 APPEAL**

Any person aggrieved by an act or determination of public works or the planning commission in the exercise of the authority granted herein shall have the right to appeal to the board of supervisors. Any appeal must be filed, on forms provided, within twenty (20) days after the rendition, in writing, of the decision, by the public works director or the planning commission. Said appeal shall be conducted in the same manner as provided for in section 13-105.

#### **SECTION 13-114 TRANSFERABILITY**

Permits and reclamation plans issued under the provisions of this article are transferable and the successor shall be bound by the provisions of the approved reclamation plan or permit and the provisions of this article.

#### **SECTION 13-115 MINOR PLAN MODIFICATIONS**

Minor plan modifications from an approved reclamation plan may be allowed upon request of the operator or applicant, and upon a finding by the public works department that each requested minor plan modification is necessary to achieve the prescribed or higher post-mining use of the reclaimed land.

#### **SECTION 13-116 RESERVED**

[Editor's note -- Section 1 of Ord. No. 2070, adopted Jan. 8, 1980, repealed Sec. 13-116, limiting the provisions of art. II to extraction of gravel and aggregate, derived from Ord. No. 1827, Sec. 1, adopted May 24, 1977.]

SECTION 13-117 RESERVED  
SECTION 13-118 RESERVED  
SECTION 13-119 RESERVED  
SECTION 13-120 RESERVED

[Editor's note -- Section 13-120, stating findings of fact by the board of supervisors concerning reclamation of agricultural land rendered useless by mining and dredging operations, derived from Ord. No. 2004, Sec. 1, adopted Feb. 13, 1979, was repealed by Sec. 1 of Ord. No. 2048, adopted Sept. 25, 1979.

SECTION 13-121 RESERVED



## APPENDIX E

### Development Policies for the Cohasset Area

#### 1. PURPOSE

The purpose of the adoption of development policies, standards, and implementation measures for the Cohasset Planning Area of Planning Area #2 is as follows:

- a. To state the general guidelines for responsible development of the Cohasset Planning Area.
- b. To provide adequate development standards which address and mitigate environmental concerns peculiar to the foothill character of the Cohasset Planning Area.
- c. To generally determine areas which are more suitable for development, and to identify areas of serious environmental concerns within the Cohasset Planning Area.
- d. To prevent significant environmental degradation within the Cohasset Planning Area.

#### 2. ENVIRONMENTAL POLICIES

It shall be the policy of Butte County to:

- a. Encourage clustered plans for development in the Cohasset Planning Area.
- b. Determine appropriate development densities by taking into consideration soil depth and slope, water availability and quality, natural hazards, existing plants and wildlife, accessibility, and/or other significant environmental concerns.
- c. Encourage the preservation of open space and natural wildlife and habitat to minimize land use conflicts.
- d. Encourage community waste collection and disposal systems.
- e. Protect water quality and health by ensuring the efficient operation of on-site waste disposal systems.
- f. Minimize erosion of native soils caused by development, both during and following construction.
- g. Minimize surface runoff and flooding by ensuring adequate drainage provisions.
- h. Discourage development where on-site geologic conditions present a serious and immediate hazard to human life and property.
- i. Ensure that all new development in the study area be adequately protected from loss or injury by the peril of fire.

### 3. IMPLEMENTATION MEASURES

The environmental policies of the Cohasset Planning Area shall be implemented as follows:

#### a. Maps

1. Maps designating soil types, slopes, water supply and quality, vegetation, wildlife, and/or any other significant environmental concerns in the area shall be prepared and adopted for the planning area.
2. When available from agencies such as the U.S. Geological Service, State Department of Fish and Game, U.S. Soil Conservation Service, and other entities, maps shall also be consulted as part of the pertinent data for determining development suitability.

#### b. Soils and Waste Disposal

1. A minimum soil depth of 5 feet to rock base shall be required where the method of disposal is a septic tank and leach fields.
2. For soils with percolation rates greater than 120 minutes to the inch or less than 10 minutes to the inch, community disposal or sanitary systems shall be required.
3. Where there is evidence of waste disposal system failure, and/or water pollution, waste disposal and water quality shall be monitored and the appropriate standards enforced.

#### c. Erosion

1. Proposed development located within areas identified as subject to known erosion hazards shall submit drainage and erosion control plans prior to clearing or grading work. Such plans shall minimize surface runoff.

#### d. Slope

1. Development shall be encouraged in areas where slope is 15% or less.
2. In areas where slope is between 15% and 30%, environmental considerations which are significant and peculiar to the location shall be major factors in determining appropriate densities.
3. Development in areas where the slope is 30% or more shall be allowed only when an alternative building site with a slope of less than 30% is not available on a parcel, and only when all other County standards can be met.
4. Vegetation removal outside construction sites shall be minimized and/or mitigated.
5. Natural surfaces shall be used for development improvements as much as possible. Grading shall be limited to homesite preparation and access.

e. Flood Hazard

1. Ensure that approved development adequately mitigates local or downstream flood damage potential.

f. Geologic Considerations

1. Development shall provide adequate safeguards against transmission of waste through geologic faults and fractures to local groundwater or points of surface issuance.
2. Development shall provide adequate safeguards to prevent pollution of ground and surface water.
3. Development shall be discouraged in areas where there is substantial evidence of present danger from geologic activity such as active fault lines, surface rock or soil movements, or unstable soil or rock materials.
4. A geological report by a qualified geologist shall be submitted for canyon road construction where substantial evidence of a clear and present hazard exists due to storm runoff, landslides, or unstable roadbed materials for residents, heavy construction, service, and emergency vehicles.
5. New roads resulting from land divisions shall be constructed to County private road standards.

g. Open Space

1. Require development to include as "open space" an undivided interest in land, in an attached area, equal to or greater in area than the area being developed.

h. Water

1. Require that there be evidence of adequate and dependable potable water on the parcel prior to the issuance of a building permit.

i. Fire Protection

- A. Policy: Private driveways and all roadways and bridges in new subdivisions of property should be adequate to permit safe movement and turning of firefighting equipment.

Implementation:

1. Private Driveways

1.1 Less than two hundred (200) feet in length shall:

1.1a be not less than twelve (12) feet in width.

1.2 More than two hundred (200) feet in length shall:

1.2a be not less than sixteen (16) feet in width.

1.2b be terminated by a circular driveway with a minimum diameter of ninety (90) feet or a "hammerhead" or "L".



2. Cul-de-Sacs

2.1 Cul-de-sacs shall:

- 2.1a be not longer than six hundred (600) feet in length.
- 2.1b be terminated by a turnaround of not less than ninety (90) feet in diameter.
- 2.1c meet minimum standards for roads (see #3 below).

3. Roads

3.1 Serving two (2) or more parcels shall:

- 3.1a have a minimum travelled width of sixteen (16) feet.
- 3.1b be constructed to County private road standards.
- 3.1c have a maximum grade of fifteen percent (15%).

4. Curves

4.1 No curve shall:

- 4.1a have a centerline radius of less than fifty (50) feet on any road or private driveway with a length greater than two hundred (200) feet.

5. Vertical Dips

5.1 No vertical dip shall:

- 5.1a have a radius of less than fifty (50) feet on any road or driveway with a length greater than two hundred (200) feet.

6. Bridges and Culverts

6.1 On roads and private driveways longer than two hundred (200) feet but less than one-fourth (1/4) mile in length shall:

- 6.1a have a load limit of twenty (20) tons.

6.2 On roads and private driveways longer than one-fourth (1/4) mile shall:

- 6.2a have a load limit of forty (40) tons.

6.3 All bridges and culverts shall:

- 6.3a have a width equal to or greater than the roadbed it serves.

- B. Policy: Roads and buildings should be identified by signs, effective naming, numbering and placement in a standardized and systematic fashion to facilitate prompt response by emergency services equipment and officers.

7. Road Identification Signs

7.1 Road identification signs shall:

- 7.1a be placed at all road intersections.
- 7.1b be not less than six (6) inches by thirty (30) inches in size.
- 7.1c have letters or numbers not less than four (4) inches in height with not less than a one-half (1/2) inch stroke.
- 7.1d be located on a standard not less than six (6) feet nor more than nine (9) feet in height.
- 7.1e be located not more than ten (10) feet nor less than three (3) feet from the road intersection.
- 7.1f have numbers or letters in a color contrasting with the background.
- 7.1g be clearly visible from a distance of at least one hundred (100) feet.
- 7.1h be maintained so vegetation growth and weather do not reduce the visibility or legibility.
- 7.1i not be duplicated (example: Ridge Road, Ridge Drive, Ridgeway, etc.).
- 7.1j not have phonetically similar names (example: Philbrook, Hillbrook, Stillbrook, etc.).

8. Structure Identification

8.1 All major structures shall be assigned a number, or combination of numbers and letters, which is logically and sequentially descriptive of that specific structure location. That structure identification shall be displayed on a sign or signs which shall:

- 8.1a be constructed of a non-combustible material.
- 8.1b have letters and numbers not less than four (4) inches in height with a minimum stroke of one-half (1/2) inch in a color contrasting with the background.
- 8.1c be located not more than fifty (50) feet from the major structure.
- 8.1d be located not more than fifty (50) feet from the nearest access road available to through traffic.
- 8.1e be clearly visible from a distance of at least one hundred (100) feet.

- C. Policy: Subdivisions located within or adjacent to existing or proposed water service districts should ensure adequate water flow and pressure, fire hydrant specifications and spacing.

## 9. Fire Protection Water Standards

9.1 For subdivisions and land divisions within or adjacent to a public, mutually owned, locally formed or private water service having a pressurized water system capable of supplying a fire hydrant system as set forth below. There shall be such hydrant system installed and in service prior to the issuance of any building or mobile home permit.

9.1a A fire hydrant system shall meet the following requirements:

<u>Land Use</u>	<u>Minimum Flow</u>	<u>Hydrant Size</u>	<u>Maximum Distance to Hydrant</u>
Residential:			
Single-family, one or less per acre, two (2) story maximum	500 gpm	6"	375 feet
Multiple-family, not more than four (4) family units, one or less per acre, two (2) story maximum	800 gpm	6"	250 feet
In all cases, there shall be a second hydrant available at a distance not greater than one thousand (1,000) feet from the hydrant nearest to the structure.			
Multiple-family, from five (5) to eight (8) family units, two (2) story maximum, one or less per acre	1600 gpm	6"	250 feet
Light Commercial Light Industrial Public Meeting Facility, Two (2) story maximum	2500 gpm	6"	250 feet
Mobile Home Parks, four (4) or less per acre:			
1-20 spaces	500 gpm	6"	250 feet
21-50 spaces	1000 gpm	6"	250 feet
51-100 spaces	2500 gpm	6"	250 feet
Recreation Vehicle Parks:			
1-50 spaces	500 gpm	6"	375 feet
51-100 spaces	1000 gpm	6"	375 feet

9.1b Must be capable of sustaining the fire flow required for a minimum of two (2) consecutive hours in addition to the maximum daily flow requirements of other consumptive uses.



- 9.1c Must maintain normal operating pressures of not less than twenty (20) p.s.i. residual pressure at the required rate of flow.
- 9.1d Must have a supply and distribution system of adequate size, and so designed, to be capable of maintaining the minimum fire flow at the required pressure.
- 9.1e Fire hydrants shall be attached to the distribution system at locations approved by the responsible fire agency.
- 9.1f All fire hydrants must:
  - 1. have a minimum barrel size of six (6) inches in diameter.
  - 2. be approved by the American Water Works Association.
  - 3. have one (1) 4-1/2" and two (2) 2-1/2" National Standard Thread connections.
  - 4. be of the dry barrel type.
  - 5. be fitted with proper size inlet bury and gate valve.
- 9.1g All materials and installation must be approved by the responsible fire agency.
- 9.1h Where pumping equipment is required to maintain fire flow requirements, there shall be an alternate or backup power source, on site, capable of maintaining the minimum pressure and flow rate period of not less than two (2) hours without the need to transport fuel or energy from a remote source.

D. Policy: Subdivisions which are distant from water district supplies should maintain adequate alternative water sources, water storage, adequate water conduit materials and their adequate placement to ensure effective fire fighting capacity.

9.2 Subdivisions and land divisions not within or adjacent to a public, mutually owned, locally formed or private water service having a pressurized system capable of supplying a fire hydrant system as set forth in 9.1a, must be in compliance with the following standards with the system installed and in service, approved by the responsible fire agency, prior to the issuance of any building or mobile home permit:

- 9.2a Single and multiple family dwellings with four (4) or fewer family units and two (2) stories or less above ground level must have:
  - 1. a water source capable of delivering one (1) gallon of water per minute for each ten (10) square feet of floor space of all dwelling structures located on the parcel for a

continuous time period of not less than twenty (20) minutes. All water sources used to meet minimum fire flow requirements must be capable of delivering a minimum of two hundred (200) gallons per minute for a continuous time period of twenty (20) minutes.

9.2b A water source as required by this section may be a storage tank or tanks, swimming pool, cistern, pond, well, creek or ditch with a known adequate and dependable water flow or other suitable option, and:

1. shall have adequate plumbing to be immediately usable by fire apparatus.
2. all plumbing materials used shall have not less than a 2-1/2 inch inside diameter.
3. all valves available for use by the fire apparatus shall be gated valves with a male National Standard thread which shall be protected by a protective cap.
4. no fire discharge valve shall be located closer than thirty (3) feet from any structure.
5. no water source shall be more than one thousand (1,000) feet from the structure(s) served by that source.
6. all water sources requiring drafting shall be equipped with a screened drafting connection and shall have a vertical lift requirement of not more than fifteen (15) feet as measured from bottom of water source pipe to top of connection pipe.
7. have an all weather access permitting fire apparatus to approach within sixteen (16) feet of such facility.
8. all fire apparatus connections above ground shall be painted red.

9.2c Multiple users on single water source:

1. A single water source used to provide fire flow requirements for two (2) or more dwellings must have sufficient quantity to meet the cumulative total of all fire flows of all dwellings served by that source.
2. Not more than ten (10) dwellings may use the same water source. (Exception: when a creek or ditch is used as a water source, the responsible fire agency must approve the source if there is another water source pickup point located within one-fourth (1/4) mile.

9.2d Fire flow reductions: (No central water system)

1. The above requirements will be waived if the responsible fire agency has the capability of transporting not less than four thousand (4,000) gallons of water to the scene on the first dispatch from a road distance of not greater than five (5) road miles.
2. The above requirements may be reduced if the construction of the dwelling is such that a reduction may be reasonably justified and the granting of such reduction shall not be detrimental to the public safety or welfare and will not increase the threat of damage to property in the vicinity.

9.2e All domestic wells and other sources with a pressure system shall have a valve with a male one and one-half (1-1/2) inch National Standard thread with a protective cap. The plumbing from the water pressure source must be equal in size to the discharge opening of the pump developing the pressure in the system.

9.3 Fire protection fire flow requirements - commercial, industrial, mobile home parks, and recreational vehicle parks:

9.3a shall be permitted only when located in a water service area and meet all hydrant requirements as set forth in 9.1a.

E. Policy: Foothill subdivisions should respect more restrictive building placement standards to lessen the threat from grassland and brush fires.

10. Building Construction Standards (mobile homes shall be construed as dwellings)

10.1 Setbacks:

10.1a All buildings shall be located not closer than thirty (30) feet from the parcel line on which that building is located nor closer than fifty (50) feet to any distinct line of demarcation of slopes when the most severe slope exceeds one hundred percent (100%).

10.2 Spacing:

10.2a All buildings located on a single parcel shall be not closer than sixty (60) feet to another building. (See #11.)

10.3 Well Pump Power Supply:

10.3a All buildings located on a parcel with an electrical well pump shall have an acceptable



electrical control switch which enables the fire agency to shut off power to all structures while maintaining power to the well pump. This switch will not be closer than fifty (50) feet to any structure.

F. Policy: Building roofing materials should be fire resistant.

10.5 Tile Roofs:

10.5a Tile roofs shall be fire stopped with concrete or equivalent resistive material to prevent entry of flame or embers.

10.6 Untreated shake or wood shingles shall not be allowed.

10.7 Roofing Materials:

10.7a Used in "high fire hazard" areas must meet Uniform Building Code Standard 32.7 Class B.

10.7b Used in "extreme fire hazard" areas must meet Uniform Building Code Standard 32.7 Class A.

G. Policy: All fire sources should be controlled to prevent sparks and flammable materials escaping to the air and ground.

10.8 Spark Arrestors:

10.8a Any building containing any device that burns liquid or solid fuel and employs a chimney, flue or stove pipe for the exhaust of smoke shall have such exhaust system equipped with an approved spark arrestor.

H. Policy: Construction standards should be improved to prevent fires from spreading rapidly to the building exterior.

10.9 Spaces between rafters, the wall plate line and the underside of the roof sheeting:

10.9a shall be filled with solid blocking.

10.10 Vent Opening:

10.10a All ventilation openings shall be not greater than that required by the Uniform Building Code and all shall be screened.

I. Policy: All dead brush, construction debris created by building or road construction shall be removed or disposed of prior to the final inspection and approval by the Building Department.

11. Building Construction Standards Alternative Measures:

The responsible fire agency may accept a low fire hazard landscaping as an alternative to the requirement of sixty (60) foot spacing between buildings as set forth in 10.2. In no event will spacing between buildings be less than thirty (30) feet.

12. Possible Mitigation Consideration:

- 12.1 Fuel breaks and greenbelts may be considered. However, these pose a problem of uncertain maintenance and pose a possible threat to the environment of the area under study.
- 12.2 Low-pressure sprinkler systems are recommended in all dwellings served by community water systems.
- 12.3 Exterior walls with one (1) hour fire resistance capability.

J. Policy: All development plans should be submitted to the County Fire Warden for review and recommendations. Creation of a fire facility or fire company will be recommended at the appropriate point of construction or occupancy.

13. Development Plans:

- 13.1 All development plans shall be submitted to the County Fire Warden for review with the understanding that the Fire Warden may make recommendations concerning the creation of a fire facility and fire company at the given point of construction or occupancy.

## APPENDIX F

### Policies, Procedures and standards for the Firhaven Creek, Paradise Reservoir and Magalia Reservoir Watersheds

#### A. Land Use

1. That a Watershed Protection Zone shall be overlaid onto the Magalia Reservoir, Paradise Reservoir and Firhaven Creek Watersheds.
2. Current lot or parcel sizes in the Firhaven Creek Watershed shall be stringently maintained. No further division of lots or parcels shall be permitted.
3. Current zoning shall be maintained within the Magalia Reservoir, Paradise Reservoir and Firhaven Creek Watershed other than to allow the consideration of zoning proposals to a larger minimum parcel size.
4. No change in zoning shall be made and no use permit shall be issued unless and until the individual and cumulative impact of additional sewage disposal and surface water runoff created by new development which such zone change or use permit might allow can be proven to the approving authority by the applicant(s) to have no adverse effects upon the water quality of the watershed.

#### B. Sewage Disposal

1. A 100-foot sewage disposal setback from a perennial stream, a 50-foot setback from an ephemeral stream or drainageway, and a 200-foot setback from a lake or reservoir shall be strictly enforced for all lots or parcels within the Firhaven Creek, Paradise Reservoir and Magalia Reservoir Watersheds regardless of the date the lot or parcel was created.
2. Appendix VII of the Butte County Improvements Standards for Subdivisions and Parcel Maps and Site Improvements pursuant to Chapter 20 of the Butte County Code which now applies only to single-family residential lots or parcels created after April 4, 1974, shall also apply to all other development, including multi-family residential, commercial, and industrial, on all lots or parcels regardless of date of creation.

The gallonage of sewage application shall be pro-rated in proportion to the usable area of the lot or parcel as determined in accordance with Appendix VII, using the Table I value of 350 gallons/day area requirement.

- a. A variance may be granted only on an existing lot or parcel when special circumstances are applicable to the property involving the soil characteristics, topography, or surrounding property characteristics. Variances may be granted only to the usable area requirements of Appendix VII, Table 1. Cumulative effects within the hydrologic basin shall be considered prior to issuance of any variance. In no event shall a variance be granted that would provide less usable area than the requirements of Butte County Code, Chapter 19, Section 19-12.
- b. An application for a variance shall be made in writing on a form prescribed by the Health department. Upon receipt of the application, the Health Officer together with the Manager of



the Paradise Irrigation District, and the Chairman of the Water Committee of the Upper Ridge Coordinating Council, shall make an investigation to determine whether a variance should be granted. At the conclusion of the investigation, the Director of Environmental Health shall prepare a written order granting or denying the variance, and shall include in such written order specific findings of fact and reasons for its granting or denial.

- c. If the Environmental Health Division of the Health Department denies the application for Variance, the applicant may file an appeal with the State Regional Water Quality Control Board within ten (10) days after denial. The decision by the State Regional Water Quality Control Board shall be final.

Revised 3/29/89 - Resolution No. 87-251 adopted October 6, 1987.

## APPENDIX G

### Article III entitled "outdoor Festivals" of Chapter 12 of the Butte County Code

#### Section 12-25.1. Purpose

The purpose of this Article is to regulate outdoor festivals as defined in Section 12-25.2. Such festivals are of a temporary nature and shall be exempt from the provisions of Chapter 24 of this code if a license is issued pursuant to this Article and complied with. Regulations of outdoor festivals is necessary to insure that they are not unreasonably incompatible with, or injurious to, surrounding properties or detrimental to the health and general welfare of persons residing or working in the neighborhood or to the general health, welfare and safety of the County.

#### Section 12-25.2. Outdoor Festivals defined.

For the purpose of this article, "outdoor festivals" shall mean any outdoor gathering which will include for 3 hours or more 100 or more individuals for the purpose of participation in or otherwise attending a musical, theatrical or other type of event. An outdoor festival does not include: any event conducted at parks, fairgrounds or other outdoor facilities improved with adequate permanent facilities to accommodate the anticipated participants and attendees, with the permission of the person or agency which has ownership or jurisdiction thereof; events of a type which are already permitted under an existing, valid use permit or are otherwise permitted within the applicable zoning district; or any festivities conducted under the auspices of a school district, recreation district, or a county memorial hall."

#### Section 12-26. Application for license and fee - Contents.

It shall be unlawful for any individual, partnership or corporation to operate, maintain, conduct, advertise, sell or furnish tickets or other types of written authority for admission to any outdoor festival in the unincorporated area of the County of Butte, California, unless he, they or it shall first obtain a license from the County of Butte to operate or conduct such festival.

Application for a license to conduct an outdoor festival shall be made in writing to the Board of Supervisors of the County of Butte, accompanied by a non-refundable application fee of one hundred dollars (\$100.00), plus a fee of \$300.00 for environmental review pursuant to Section 12-26.1, and filed with the County Tax Collector and shall contain the following information:

(1) The name, age, residence, mailing address and telephone number of the applicant. If the application is made by a partnership, the names and addresses of all general partners shall be included. If the applicant is a corporation, the application shall be signed by the president and attested to by the secretary thereof and shall contain the names and addresses of all corporate officers and a certified copy of the articles of incorporation shall be attached to the application. The address and telephone number of the principal place of business of the applicant shall also be included in the application.

(2) The location and legal description of the premises where the outdoor festival is proposed to be conducted, including all lands to be used for parking or other uses incidental to the outdoor activity. The applicant shall

submit proof of ownership of said premises or the written consent of all owners thereof for the proposed use.

(3) The date or dates and the hours during which the festival is to be conducted.

(4) An estimate of the maximum number of spectators, participants and other persons expected to attend the outdoor festival and each day it is conducted.

(5) A detailed explanation of the applicant's program and plans to provide security protection, water supply, food supply, sanitation facilities, medial facilities, and services, vehicle parking space, vehicle access (including written permission of property owners on any privately maintained roads which will be utilized for ingress or egress) and on and off-site traffic control, fire protection and use and control of public address systems. If it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities, shall also be explained. The applicant's plans to provide for numbers of individuals in excess of the estimate, and provisions for cleanup of the premises and removal of rubbish after the event has concluded, shall be included.

(6) A detailed explanation of the applicant's plan for policing the activity with particular emphasis on the control and prevention of alcoholic and drug consumption, open fires, fire works and fire arms.

Such application shall be filed with the Butte County Tax Collector at least ninety (90) days prior to the time indicated for the commencement of the planned activity. The Tax Collector shall review and submit such application to the Board of Supervisors, and no license shall be issued by the Tax Collector until he is authorized to do so by order of the Board of Supervisors at a regular meeting of the said Board.

#### Section 12-26.1. Environmental Review.

Upon receipt of a completed application for an outdoor festival permit, the tax collector shall refer the application to the Planning Department, which shall review the application to determine whether or not the outdoor festival is a project which is categorically exempt from the California Environmental Quality Act, pursuant to Section 15304 (e) of the State Guidelines for Implementation of CEQA, as a minor temporary use of land and having negligible or no permanent effect on the environment. If a final determination is made that the outdoor festival is not categorically exempt, then the tax Collector shall deny the application. If a final determination is made that the outdoor festival is categorically exempt, then processing of the application shall continue.

#### Section 12-27. Same - Fixing Time for Hearing, Investigation and Report.

Upon receipt of a complete application and the application fee, the tax collector shall request the Board of Supervisors to set a time and date for a public hearing. The Board of Supervisors shall set the application for a public hearing at a regular meeting of the Board of Supervisors, not less than thirty (30) days nor more than sixty (60) days thereafter, and shall give not less than ten (10) days written notice thereof to the applicant. In addition, the clerk of the Board of Supervisors shall give notice of the time, date and place of said hearing, including a general explanation of the application to be considered and a general description of the area affected at least 10 days before the hearing in the following manner:



(1) Notice shall be published at least once in a newspaper of general circulation, published and circulated in the County;

(2) In addition, notice of the hearing shall be given by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment role as either owning real property within three hundred (300) feet of the property which is the subject of the application, or owning one of the ten parcels of real property closest to the subject property, whichever results in the most persons being notified.

The clerk of the Board of Supervisors shall give notice of the hearing and copies of the application to the Sheriff, the California Highway Patrol, the County Health Officer, the Director of Public Works, the Planning Director, the County Fire Warden, and the Butte County Air Pollution Control Officer, who shall investigate the matter and report in writing to the Board of Supervisors not later than the time set for the hearing, with appropriate recommendations concerning conditions and issuance or denial of the license.

#### Section 12-28. Same-Hearing.

The Board of Supervisors shall consider the documentary and testimonial evidence of witnesses presented at said hearing, including all reports of investigation and shall thereafter grant the license without conditions or with conditions which must be met, including security required from the applicant as a guarantee that the conditions will be met, before a license is granted.

If conditions are imposed by the Board, the applicant shall furnish or cause to be furnished to said Tax Collector proof that all conditions have been met, and the required security has been given, before the license may be issued by said Tax Collector.

Security required by the Board of Supervisors may include the posting of an indemnity bond and/or a performance bond in favor of the County in connection with the operation of an outdoor festival as defined in this Article. Such bond or bonds shall be prepared by a corporate bonding company authorized to do business in the State of California by the Department of Insurance, in an amount determined by the Board of Supervisors of Butte County. Said bond or bonds shall indemnify the County of Butte, its agents, officers, employees and the Board of Supervisors of said County against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, said outdoor festival and shall indemnify against loss, injury and damage to both person and property.

The Board of Supervisors may also require that the applicant provide a corporate surety bond prepared by a corporate bonding company authorized to do business in the State of California, indemnifying the County of Butte and the owners of property adjoining the outdoor festival site for all costs necessitated by such activity to clean up and/or remove debris, trash, garbage or other waste from, in and around the premises. Such bond shall be in an amount determined by the Butte County Board of Supervisors in its discretion to be adequate to provide for such indemnification.

The Board of Supervisors may also required the application to obtain and maintain public liability and property damage insurance in an amount to be determined at the hearing.

APPENDIX H

Board of Supervisors, County of Butte  
State of California, Resolution 74-109 as Amended

RESOLUTION ESTABLISHING REGULATIONS PURSUANT TO  
HEALTH AND SAFETY CODE SEC. 18300, ET SEQ.

WHEREAS, Health and Safety Code Sub-Section 18300 permits certain regulations pursuant to mobile home parks and which pursuant to the provisions of Health and Safety Code Section 18301 said regulations would be applicable to travel trailer parks, incidental camping areas and tent camps except where specifically exempted by regulations of the real estate commission.

NOW, THEREFORE, BE IT RESOLVED by this Board:

1. That for the purposes of this resolution the definitions set out in Health and Safety Code Sub-Section 18200 through 18220 are incorporated herein as if set forth in full, and for the convenience of the members of the public who are reviewing this resolution are attached hereto as Exhibit "A".
2. Any person desiring to establish or enlarge a mobile home park, recreational vehicle park or travel trailer park shall obtain a conditional use permit from the Butte County Planning Commission, pursuant to Ordinance 475, as amended.

A mobile home park will be deemed to be expanded with the construction of additional buildings or lots or other installations within the park.

Applications for a permit to construct or reconstruct a mobile home park shall be accompanied by:

- a. A comprehensive site plan of the proposed construction or modification.
  - b. A description of the domestic water supply, fire hydrant location, ground drainage and the method of sewage disposal.
3. All mobile home parks shall meet the following requirements:
- A. Area Requirement: Mobile home parks shall be developed on a parcel of not less than 5 acres, with no more than 10 units (mobile home lots) per acre, provided, however, that a variance to this requirement may be granted utilizing the same procedure and the same conditions as provided for variances to zoning ordinances.
  - B. Minimum Side Yard and Rear Yard: Seven (7) feet for the perimeter of the mobile home park.
  - C. Minimum Setback Requirements Front Yard: Shall be fifty (50) feet from the centerline of the access road, to the park and/or public or private roads adjacent to the park except where the road is classified by the County as a Federal Aid Secondary Road and the minimum building setback requirement shall be fifty-five (55) feet from the centerline of the road.
  - D. Where necessary to protect the health, safety, and general welfare and in reasonable exercise of police powers, the Planning Commission may

require a wall or fence six (6) feet in height be erected and maintained along each side and rear boundary of the mobile home park, except along the portion of such side or rear boundary line which either abuts a public street or is within a front yard or side yard adjacent to a street. A wall or fence may be solid of wood, concrete, brick, or any masonry construction, or of chain link construction with an evergreen hedge planted and maintained at a height of six (6) feet, all as pursuant to decision of the Butte County Planning Commission.

E. Comply with fire protection requirement of the local fire protection agency.

F. Provide two (2) off-street parking spaces for each mobile home space.

4. All travel trailer parks shall meet the following requirements:

A. Area Requirement: Travel trailer parks shall be developed on a parcel of not less than five (5) acres.

B. Minimum Side Yard and Rear Yard: Seven (7) feet for mobile home park related to setback from street and rear yard only.

C. Minimum Setback Requirements: Minimum front yard shall be fifty (50) feet from the centerline of the road, except where the road is classified by the County as a Federal Aid Secondary Road and the minimum building setback requirement shall be fifty-five (55) feet from the centerline of the road.

D. Enclosure of Travel Trailer Parks and Recreational Trailer Parks: Where necessary to protect the safety, health, and general welfare and in reasonable exercise of police power the Planning Commission may require a wall or fence six (6) feet in height be erected and maintained along each side and rear boundary of the travel trailer park or recreational trailer park, except along the portion of such side or rear boundary line which either abuts a public street or is within a front yard or side yard adjacent to a street. A wall or fence may be solid of wood, concrete, brick or any masonry construction, or of chain link construction with an evergreen hedge planted and maintained at a height of six (6) feet.

E. Comply with fire protection requirements of the local fire protection agency.

F. Travel trailer parks shall accommodate only travel trailers, camp cars, recreational vehicles and tents.

G. A recreational trailer park shall accommodate only travel trailers, camp cars, recreational vehicles and tents, except that not more than two (2) lots may be provided to accommodate mobile homes occupied by persons employed in the management or operation of the park. Such lots shall comply with all requirements for lots in a mobile home park.



EXHIBIT "A"

- S18200        The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.
- S18201        "Approved" when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Department of Housing and Community Development of the State of California.
- S18202        "Building" is any permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- S18203        "Camp Car" is a vehicle with or without motive power, which is designed or used for human habitation.
- S18203.2       "Camping party" is a person or group of not more than 10 persons occupying a campsite or lot for not more than 30 days annually.
- S18203.5       "Campsite" is an area with an incidental camping area occupied by a camping party.
- S18204        "Commission" is the Commission of Housing and Community Development.
- S18205        "Conditional Permit" is a construction, reconstruction, or operation permit issued by the enforcement agency which may prescribe conditions on the use or occupancy of a mobile home park.
- S18206        "Department" is the Department of Housing and Community Development.
- S18207        "Enforcement agency" is the Department of Housing and Community Development, or any city, county, or city and county which has assumed responsibility for the enforcement of this part pursuant to Section 18300.
- S18208        "Incidental camping area" is an area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where one or more campsites used for camping are rented or leased or held out for rent or lease. The density of usage shall not exceed 25 camping parties within a radius of 265 feet from any campsite within the incidental camping area.
- S18209        "Lease" is an oral or written contract for the use, possession, and occupation of property. It includes rent.
- S18210        "Lot" is any area or tract of land or portion of a mobile home park, travel trailer park, recreational trailer park, temporary trailer park, or tent camp designated or used for the occupancy of one mobile home, travel trailer, camp car, or camping party.

- S18211 "Mobile home" is a vehicle designated and equipped for human habitation, and for being drawn by a motor vehicle.
- S18212 (a) A dependent mobile home is one not equipped with a toilet for sewage disposal.
- (b) An independent mobile home is one equipped with a toilet for sewage disposal.
- (c) A self-contained mobile home is one equipped with a toilet, water storage tank for potable water, and sewage holding tank.
- S18213 "Mobile home accessory building or structure" is any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobile home.
- S18214 "Mobile Home park" is any area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.
- S18215 "Recreational trailer park" is any area or tract of land, within an area zoned for recreational use, where one or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.
- S18215.5 "Recreational vehicle" is a camp car, motor home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.
- S18216 "Rent" is money or other consideration given for the right of use, possession, and occupation of property.
- S18217 "Temporary trailer park" is any area or tract of land where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles and which is established for one operation not to exceed 11 consecutive days, and is then removed.
- S18218 "Commercial coach" is a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall include a trailer coach.
- S18219 "Travel Trailer" is a vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violation any provision of the Vehicle Code.
- S18220 "Travel trailer park" is any area or tract of land or a separate designated section within a mobile home park when one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles used for travel or recreational purposes.



## EXHIBIT A-4

### PARADISE URBAN RESERVE POLICY STATEMENT

#### South Paradise Area

1. Situated on a mountain ridge top divided by canyon areas which restrict the development opportunities of the Paradise area many challenges for future urban/rural residential development are created. This area is located adjacent to the Town Limits of Paradise. Currently devoted to a mixture of mountain recreation, open space, and rural residential uses, this area is designated "Agricultural-Residential" by the Butte County General Plan and the Paradise Area Land Use Plan for future urban expansion. To preserve the residential density options, for the time frame of the plan, and to coordinate the County's development policies with those of the town's, the County area within the South Paradise Area as depicted by the attached Exhibit "C" shall be an "Urban Reserve". To achieve these ends in a manner consistent with the Land Use Element's policies regarding orderly development and the Housing Element's policy regarding adequate facilities and services, the policies below are applicable to the Paradise Area Land Use Plan and that portion of the Butte County General Plan as depicted by Exhibit "C".
  - A. The County's land use policy, zoning and subdivision shall be coordinated with the Town of Paradise and any other service district within the Urban Reserve; and
  - B. The Agricultural-Residential land use designations in the South Paradise Area as depicted by Exhibit "C" shall be managed as an "Urban Reserve", permitting rural residential development and uses on parcels of not less than forty (40) acres in those areas designated by the California Department of Fish and Game NO DEVELOPMENT ZONES for the protection of critical deer herd Winter ranges and twenty (20) acres on all other properties until such time as they are needed for development and adequate services are available to serve this area; and
  - C. Any proposal for a General Plan Amendment, rezoning or subdivision which would permit parcels of less than twenty (20) acres to be created shall be coordinated with all public agencies which provide utility and public services as well as the plans of the Town of Paradise for extension of water, sewer, circulation, drainage, and shall be required to submit the following plans prior to or concurrently with the adoption:
    1. A capital improvement plan or such other program that indicates where and when physical improvements are to be made, the size of these improvements, standards, phasing of treatment facilities and lines to service the area, and how they will be financed. This plan should be based on the desired land pattern for future growth, the costs of initial service, and the continued operation costs to the designated area.
    2. A park and open space plan that identifies locations and standards for park and recreation areas to serve future growth, and natural open space areas that are to be preserved.
    3. An environmental plan that identifies critical areas that should be protected from development if applicable.



4. A Street and transportation plan that indicates the location, capacity, and nature of the system and off-site transportation impacts.
  5. Health Department standards for control of septic systems, and water wells. Areas where wells and septic systems are not permissible should be identified.
  6. A fiscal plan that identifies the proportion of costs of public facilities and services that is to be reimbursed from new subdivisions.
- D. Any parcel which is now less than forty (40) acres which was legally created, pre-existing, and nonconforming may be developed according to its zoning and the provisions of Butte County Code Section 24-37.
- E. Development standards compatible with the Town of Paradise shall be utilized for urban development projects within the Urban Reserve Area as depicted by Exhibit "C".



U.C. BERKELEY LIBRARIES



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